MAC call for evidence

Consultation questions

1. Which option best describes you?

- I am responding on behalf of an organisation which represents the interests of migrants and their families
- **I am responding on behalf of an organisation which represents a sector/job (see Q 5 below).**
- I am responding as an academic, or as part of an organisation which conducts migration related research
- I am responding as a lawyer or as part of a legal organisation
- I am responding on behalf of a government entity (for example Devolved Administration, government department or arms length body)
- I am responding on behalf of another type of organisation which is not listed here (please specify)

2. What is the name of your organisation? Universities and Colleges Employers Association (UCEA)

3. What is your email address? a.mcgrand@ucea.ac.uk

4. Which areas of the UK does your organisation represent? Please tick all that apply

- North East
- North West
- Yorkshire and the Humber
- East Midlands
- West Midlands
- East of England
- London
- South East
- South West
- Scotland
- Wales
- Northern Ireland
- England
- **UK wide**

5. How many members/organisations do you represent?

UCEA is a membership body funded by subscriptions from 169 HEIs in the UK. UCEA represents the views of higher education institutions (HEIs) across the UK in their capacity as employers. Our purpose is to support our member Higher Education (HE) employers in delivering excellent and world-leading higher education and research by representing their interests as employers

HEIs are independent employers and determine their own employment policies, usually in consultation with recognised trade unions; therefore, there are a variety of HR practices in place in the sector. Our response is based on views provided by our member HE employers.

* The terms “HEI(s)” (Higher Education Institution(s)) and “university/universities” are used interchangeably throughout to describe UCEA’s membership which consists of Higher Education providers which are active in teaching, research and scholarship including universities, colleges, and conservatoires, and associated organisations

6. Do you think there should be a minimum income/financial requirement to bring a partner or family member to the UK?

Yes

7. Why do you say that?
The majority of responding HEIs agreed there should be a minimum income/financial requirement. Responding HEIs considered that a basic level of financial resilience is both practical and reasonable to ensure that sponsoring partners/family members can support their family members particularly as there is no access or recourse to public funds on relocation to the UK. It would seem appropriate that sponsoring partners/family members must demonstrate that they can provide a minimum level of financial support to avoid any hardship. Having a minimum income requirement (MIR) helps to minimise or reduce public spending and prevents strain on social services. It would be to the detriment of all – the individual, their dependents and the employers – if sponsoring partners/family members were unable to support their family and unable to afford live in the area where they work.

HEIs commented however that this is a complex issue and there is a need to balance the ability to support family members in view of the high cost of living in the UK whilst not creating barriers for families who may not be able to meet the MIR threshold. It is important to balance the need for financial stability with the right to family life and a specified level of income may be detrimental to lower income earners creating barriers based on wealth and disadvantaging certain groups, for example, younger workers, part-time employees and those in low-paid sectors. Visa and immigration health surcharge (IHS) costs in the UK are already high and having an MIR or increasing it may restrict the movement of individuals by discouraging skilled migrants from coming to the UK, thereby, limiting the talent pool for the UK. It is important to protect the economic health of the UK, but this needs to be proportionate.

8. Do you think that the current MIR level of £29,000 on the Family Immigration route is:

- Much too high
- Too high
- **About right**
- Too low
- Much too low
- Don’t know
-

9. Why do you say that?
Although some HEIs expressed concern as to whether £29,000 is sufficient for a couple or family to manage and commented that it is important to ensure that families can afford to live in the UK, the majority of responding HEIs considered the current MIR level of £29,000 to be about right. It was considered a reasonable amount to expect those bringing family members to the UK to be able to afford to support them independently and manage their budget. The current figure of £29,000 was felt to be sufficient to meet living requirements without creating a barrier to immigration. A certain financial threshold is necessary to prevent reliance on public funds. The separate child financial requirement

element has also been removed, meaning that larger families are not being treated less favourably. However, HEIs commented that the figure of £29,000 was on the lower end for enabling a family to manage financially in the UK and would potentially limit the ability to live comfortably depending on the size of the family, living conditions and needs.

HEIs noted that the MIR does not take the potential earnings of family members into account. Even if the Government deems £29,000 to be insufficient to support a partner without relying on public funds, most couples will both be in employment and contribute to a shared income. Requiring the sponsor to meet the MIR with a single income is unfair on lower income workers, restricting their right to family life, and does not reflect the reality that most couples and families rely on multiple incomes. Applicants can combine their incomes when they apply for leave to remain in the UK and this would enable lower income earners to meet the MIR once their partner is working in the UK. It was suggested that the initial application should include the earnings of the partner outside of the UK or allow applicants to demonstrate they have sufficient savings to meet the cost of living in the UK.

Another drawback is that a single MIR figure does not address the significant pay differences across sectors. A higher MIR may disproportionately affect younger couples or those in lower-paying jobs and there was concern that the MIR discriminates against part-time workers, a large percentage of whom are women. Whilst the MIR can be made up of several sources of income, wages are an important element and HEIs observed that staff in lower pay grades and roles would find the MIR difficult to meet. The current £29,000 might be particularly challenging for lower paid sectors like hospitality and social care.

The cost of living depends on location within the UK, and it was suggested that regional adjustments to the MIR should be considered to reflect the cost of living in different parts of the UK.

There was concern that further increasing the MIR would be potentially challenging for families with young children and childcare meaning that individuals may decide not to pursue roles in the UK which restricts employers' access to talent pools.

The Family Immigration rules aim to balance respect for family life (under article 8 of the ECHR) with maintaining the economic wellbeing of the UK by controlling immigration, protecting the public from foreign criminals and protecting the rights and freedoms of others. The MIR and Adequate Maintenance (AM) tests assess whether a UK family sponsor could afford to financially support their family member to come to the UK without having access to public funds.

10. In your opinion, do the MIR and AM meet these policy aims?

Responding HEIs in general agreed that the MIR and AM tests meet these policy aims.

Please be specific about why you think they do or do not, and if possible specify whether your response relates to the MIR, AM test or both. (Maximum of 500 words).

HEIs agreed that the MIR and AM meet the overall policy aims by supporting immigration at the same time as maintaining economic wellbeing by ensuring that families that settle in the UK have enough income to live on. In general, HEIs considered this a reasonable approach which balances respect for family life by allowing families to move to the UK and ensuring they have sufficient income to live on. Having a minimum MIR and AR ensures

there are appropriate financial measures to help prevent issues around access to public funds.

While, some HEIs commented that the MIR level might be too low to meet the financial costs to live in the UK and support family members, others considered £29,000 to be sufficient to support two people although this would be challenging. HEIs considered that the AM test appeared to be the most relevant in terms of assessment on an individual basis and a more measured way as to assess whether the UK family sponsor has the capability to support their family financially.

HEIs reiterated that the MIR unfairly impacts lower income families and overlooks other legitimate sources of financial support such as savings, potential income or extended family contributions, thereby creating barriers to a family life. It was unclear how the MIR test has respect for family life as those with more dependents and in early career positions will not be able to afford to move to the UK and will move elsewhere therefore resulting in a loss of key talent to the UK. The AM does provide some flexibility in assessing individual circumstances.

The MIR does not take into account possible vacancies which would otherwise remain unfilled. As there are multiple immigration routes, it is difficult to assess whether the dependent route meets the policy aims. Adjustments that consider a broader range of factors could facilitate a more equitable approach.

It was also suggested that economic wellbeing could benefit from considering applications on a case-by-case basis, considering the professional background of the applicant, their work history, current work status and their contribution to the UK in other ways like volunteering and involvement in community activities. Family members may contribute in non-monetary ways, such as childcare, which enables the sponsor to work more effectively.

HEIs were unsure as how the MIR and AM protect the public from foreign criminals.

11. Do you have any comments about how the MIR and/or AM tests work in practice (for example any unintended consequences)? (Maximum of 500 words)

Responding HEIs commented that the tests are stringent with little flexibility in how the rules are applied which means that a family who can support themselves without recourse to public funds may not qualify for a visa due to inflexibility of the rules. The tests also do not consider the income of the individual/family member coming to the UK and their potential income or additional support from other family members.

Several HEIs noted that the MIR level was limiting for low-income earners or those at an early stage in their career. For example, a recent graduate is unlikely to be appointed to a role offering a salary of £29,000. The potential for age discrimination is an unintended consequence as fewer young people will have this earning capacity at the beginning of their career. The requirement for the UK sponsor to meet the MIR on their own also disadvantages lower paid workers with potential equality implications and a negative impact on the future economy of the UK.

HEIs commented that UK citizens with international partners may decide not to continue to work in the UK/return to the UK if they are unable to bring their partner/dependants with them. There are also situations where an international partner of a UK national, originally in the UK on another visa route, but unable to switch to a family visa, would return to their

home country taking their UK partner with them. This has an impact on recruitment and retention particularly for lower paid roles which also do not meet the requirements for work visas. The requirement to be in employment for 6 months prior to application results in the separation of families. Many partners choose to visit the UK during this 6-month period to avoid living apart, during which time they are prevented from working and contributing to the UK economy.

Several HEIs suggested that the MAC should survey current and prospective UK sponsors to obtain first hand evidence of how the tests work in practice. From the guidance, the various income elements and calculations to determine if the required levels are met appear to be quite complex. Several HEIs reported they had not received specific feedback from employees about the MIR as many of their interactions with migrant workers are with Sponsored Workers and Global Talent Visas therefore there was little anecdotal evidence of the MIR and AM test working in practice.

HEIs may also provide financial support or loans to their international/sponsored staff, for example, to cover the cost of visa fees IHS and other costs. Given the high visa costs and significant increase to the IHS, HEIs were concerned that the MIR or AM tests may create additional financial barriers, as this could have a detrimental effect on recruitment and retention of international staff and ultimately the UK workforce and economy.

12. Plans under the previous government were to increase the MIR further, firstly to £34,500 and then again to £38,700 by early 2025. For each of these increases, do you think they would be:

£34,500 Too high

£38,700 Much too high

13. If you have any further comments on your answer to question 12, please write here. If possible, please specify whether your response relates to a threshold of £34,500, £38,700, or both. (Maximum 500 words)

Responding HEIs commented that if the main aim is to prevent access to public funds it may be more effective to tighten the rules around this rather than increasing the MIR and AM requirements. The visa fee and IHS increases means there is a danger that talented staff will be discouraged from coming to the UK. For example, increasing the MIR to £38,700 may disincentive overseas academic and research staff and potentially close a valuable source of recruiting for small and medium sized enterprises. HEIs recognise the need to control immigration levels but there needs to be a balance between economic wellbeing and attracting talent to the UK and maintaining the international reputation of the HE sector. Increasing MIR levels may further restrict access to talent pools with candidates accepting roles elsewhere with less restrictive rules.

HEIs noted that only about 25% of UK employees are paid more than £34,500 and it seems unfair that only those in well-paid roles should be able to sponsor partners to come and live in the UK. The additional proposed MIR staged increases are steep compared to the £18,600 pre-April 2024 and many UK sponsors would not be able to meet the higher requirements, particularly in a short time frame. It is difficult to see how further MIR increases would be affordable or reasonable and they are likely to be unachievable for a substantial portion of the UK population. Further increases do not appear to balance respect for family life (under article 8 of the ECHR).

HEIs also commented that the proposed increase to £38,700 comes quickly after the rise to £34,500 and cost of living increases and inflation are highly unlikely to increase salaries in such a short space of time. To raise the MIR to median salary and threshold for sponsorship is to assert that half of the population of the UK could not afford to support a family which is not the case. The level of £38,700 equates to the threshold for sponsorship and anything below this means employers are unlikely to be able to offer sponsorship if needed, unless the individual or the role meets the criteria for being able to pay less, for example, salary discounts under the points-based system.

As previously stated HEIs suggested t shared family income should be considered.

Anecdotally HEIs reported that sponsoring partners/family members are very concerned they will not be able to meet the requirements next year. Ultimately, the approach to take depends on balancing economic priorities with the value of family unity and fairness.

Further information

14. Please tell us by ticking either Yes or No below whether there is other information relevant to this commission that you would like to provide. If you tick yes, we may follow up with you via email. We will not be accepting any emails or attachments related to this commission via our inbox.

- Yes
- No

(Please write in a short description of the information you would like to add)

15. Would you be happy for us to quote anonymously from your responses to this CfE?

- Yes
- No

16. Would you be happy for us to name your organisation in our published report?

- Yes
- No

17. Would you be happy for us or our research partner, an independent research contractor appointed by the MAC, to recontact you in the next 12 months to invite you to take part in follow-up research regarding similar issues to those covered in this questionnaire?

- Yes
- No

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