

This response is provided by members of the ESRC-funded Centre for Care¹ and BritCits.

- *University of Sheffield*: Dr Rachael Black, Becky Driscoll, Professor Majella Kilkey, Dr Jayanthi Lingham and Dr Patricia Nabuco Martuscelli
- *BritCits*: Steven Green and Sonel Mehta

The **Centre for Care** is a research-focused collaboration between the Universities of Sheffield, Birmingham, Kent and Oxford, the London School of Hygiene & Tropical Medicine, the Office for National Statistics, Carers UK, the National Children's Bureau, and the Social Care Institute for Excellence. Funded by the ESRC (Economic & Social Research Council) as one of its flagship research centres, it works with care sector partners and leading international teams to provide accessible and up-to-date evidence on care – the support needed by people of all ages who need assistance to manage everyday life.

Led at the University of Sheffield by Centre Director Professor Sue Yeandle and Deputy Director Professor Matt Bennett, our work aims to make a positive difference in how care is experienced and provided in the UK and internationally by producing new evidence and thinking for policymakers, care sector organisations and people who need or provide care.

In studying care, we focus on ways of improving wellbeing outcomes and on the networks, communities and systems that support and affect people's daily lives, working closely with external partners.

BritCits is a non-governmental organisation with a membership brought together by immigration rules which since 2012 have led to families of British citizens and residents with non-EEA family members being forced into hardship and separation. BritCits activities include policy work, liaising with media and information dissemination, with the goals of:

- a) Promoting family rights for British citizens and residents with non-EEA family members.
- b) Having immigration rules in place which are fair, in both their intent and application.
- c) Liaising with politicians from across the spectrum on the impact of immigration rules on families.
- d) Providing a support network for individuals affected by the rules.

¹ The [Centre for Care](#) is funded by the Economic and Social Research Council (ESRC), award ES/W002302/1, with contribution from the National Institute for Health Research (NIHR) (Department of Health and Social Care, PI S Yeandle). The views expressed are those of the author(s) and not necessarily those of the ESRC, UKRI, NHS, the NIHR or the Department of Health and Social Care. ² Economic & Social Research Council (award ES/P009255/1, [Sustainable Care: connecting people and systems](#), 2017-21, Principal Investigator Sue Yeandle, University of Sheffield).

Summary

In this contribution we discuss the impact of UK family migration policies with a particular focus on how they impact on families, unpaid carers and the care workforce.

Labour Market

Restrictive family migration laws and complex processes such as the minimum income requirement (MIR) prevent/delay people entering the country who could work in the UK and address areas where there is a workforce shortage such as the care sector. They can push people out of the labour market as they have to juggle childcare and transnational care without family support and therefore are unable to maintain employment.

The inability to bring adult dependent relatives (ADR) to the UK is resulting in professionals, such as doctors and nurses, leaving the country, to enable them to care for elderly relatives. This is exacerbating staff shortages in the health and social care sectors.

Public Services

There has been a concerted effort to cut migration but there is no clear plan to replace the loss of workers. In the care sector this has a negative impact on both unpaid carers and people in receipt of care and support. Lack of availability of social care means that people's families must provide more unpaid care:

"Families are struggling, and support is not available. At a recent recruitment day, we had more people come to us about referrals for their relatives than people looking for work." Recruitment manager of a supported living organisation.

Lack of available support can force unpaid carers out of the workforce as they are unable to juggle work and caring.

Family

Separation from each other, as well as navigating the expensive and complex migration system, places great stress on families. The MIR can result in spouses/partners working long hours and/or several jobs and needing to care for children without the support of a spouse/partner or family member. All of this is highly stressful and causes anxiety. Research shows it impacts significantly on children's physical and mental wellbeing. That said although it is vital to consider the impact of family migration laws on children, we also want to highlight that families have other caring responsibilities beyond caring for children and these also need to be considered when assessing the impact of family migration policies. For example, caring for a relative across borders or missing out of support from grandparents and siblings.

Introduction

The UK is an outlier in terms of its narrow definition of family in relation to migration and the high-level minimum income requirement (MIR) to sponsor a spouse or partner and children. The Migrant Integration Policy Index (MIPEX) 2020² scores the UK 29 for its family reunification policies, the second lowest score on a list of 56 countries. The UK has some of the most unfavourable policies for supporting family reunification. Brazil received the highest score (94) and Denmark the lowest (25).

In 2012 new Family Immigration laws were introduced which stipulated a MIR for British citizens to sponsor a spouse or partner and children to join them in the UK, and effectively closed the immigration route for parents and adult dependent relatives (ADR), with only 50 ADR visas granted in 2015³. These rules also removed the right of appeal for family visitor visa applications coming to the UK. Family migration was further curtailed by Britain's exit from the EU, meaning that European Freedom of Movement also ceased in December 2020, and European Economic Area (EEA) nationals were subject to the same migration laws as non-EEA nationals. Since 2005, net migration has actually increased in all areas (study, work and other) except family migration⁴. Family migration makes up a small share of total migrant inflows to the UK; however, family migrants are more likely to settle and therefore make up a larger share (45%) of the migrant population living in the UK, compared to work migrants or students⁵. Supporting migrants to work, integrate and participate in family life is therefore vital and has implications for the labour market, public services, and family wellbeing.

Design of family migration law

1. How does immigration law define a “family” and a “relative”? How have these definitions evolved over time? Are they consistent across immigration pathways? Do they reflect contemporary societal understandings of “family” and “relative”, in the UK and overseas?

UK family migration laws specify a very narrow definition of ‘family’, including only a couple and their children under the age of 18. Such a narrow drawing of the boundaries of care relationships within families is not just at odds with migrant families’ lived experiences; it is also out of step with contemporary understandings of the family in other areas of policy in the UK, and with dominant societal norms and practices in communities across the UK. For example:

- In 2014 the Department for Work and Pensions (DWP) introduced a Family Test to ensure that the family perspective was included in policy making⁶. The test includes in its scope grandparents, extended family members, siblings and stepchildren.⁷
- The Independent Review of Children’s Social Care⁸ emphasises ‘kinship care’ (grandparents, aunts, uncles, siblings) and recommends greater support for this

² <https://www.mipex.eu/>

³ Richard Chambers Immigration Barrister (2022) [A Guide to Adult Dependent Relative Visas](#)

⁴ The Migration Observatory (2022) [Net Migration to the UK](#)

⁵ The Migration Observatory (2021) [Family Migration to the UK](#)

⁶ Great Britain. Department of Work and Pensions (2021) [Family test: assessing the impact of policies on families](#)

⁷ Great Britain. Department of Work and Pensions (2021) [Family test: assessing the impact of policies on families](#)

⁸ The Independent Review of Children's Social Care (2021) [Final Report](#)

- The Office for National Statistics states that among other things a ‘family’ includes both dependent and non-dependent children⁹.

Internationally, more expansive definitions of ‘family’ are used both in multilateral migration agreements and by individual countries in their immigration laws, including:

- European Freedom of Movement rules, which include stepparents, siblings, grandparents, and even aunts and uncles if there is a significant caring relationship, and which define a dependent child as being under 21.¹⁰
- Belgium, where decision-makers should take account of the cultural norms in a person’s home country, e.g., where informal foster care of children is a prevalent practice. This means that people with non-blood ties can become eligible for family reunification.¹¹
- In Australia, there is no income requirement for partner visas. As the equivalent to UK’s ADR rules, Australia applies a ‘Balance of family’¹² test which is used to determine a Parent Visa applicant’s family links to Australia (where the children of the applicant includes adult children, stepchildren and adopted children living in Australia). The UK ADR rules make no allowance for a stepparent to be sponsored by a British citizen/resident, and indeed, the mere presence of a stepparent also removes any scope for their partner, the birth parent, to be sponsored.
- Brazil and Latin American countries have a broad definition of family beyond the nuclear family. This definition is important because it includes extended family members who provide care and support for immigrant families (including children) already living in Brazil.

2. Does immigration law apply to every family the same? Do different rules apply to different circumstances? Are rules applied consistently in similar circumstances? What are the justifications for discrepancies? How do “mainstream” immigration pathways compare with “bespoke” ones introduced in response to geopolitical and refugee crises and how do the bespoke pathways compare with each other?

Immigration law does not apply to every family in the same way.

A recent example of this inconsistency is that seasonal workers from Ukraine have inferior rights compared to those who came to the UK as refugees as part of a bespoke scheme. The Ukraine Family Scheme (2022)¹³ is for refugees, developed in response to the war. It allows a multi-generational family

⁹ Great Britain. Office for National Statistics (2022) [Families and households statistics explained](#)

¹⁰ See HM Government (2016) [The Immigration \(European Economic Area\) Regulations 2016](#) and European Parliament (2022) [Free movement of persons](#)

¹¹ Sarolea, S., & Merla, L. (2021) [Migrantes ou sédentaires: des familles ontologiquement différentes?](#) in Fillod-Chabaud, A. & Odassor, L. (eds), *La famille et la nation. Pour une sociologie juridique des migrations et des circulations familiales*, Rennes: Presses universitaires de Rennes.

¹² Australia. Department of Home Affairs (2020) [Balance of Family Test](#)

¹³ Great Britain. UK Visas and Immigration (2022) [Apply for a Ukraine Family Scheme visa](#)

to be treated as a family unit by the Home Office - the eligibility criteria lists both immediate and extended family members. However, many Ukrainians who are already in the UK as seasonal workers (commonly in agriculture) are not permitted to bring their family members to join them here. They are also not allowed to move into the Ukraine Family Scheme, which does not appear to be justified given the ongoing situation in Ukraine. In addition, refugees from other countries such as Syria and Afghanistan do not have the same rights in the bespoke schemes developed for them as in the scheme developed for Ukrainian families. Standard visa applicants from other countries, both refugees and other family settlement visas, have inferior rights again; these inconsistencies in who 'counts' as a family member are hard to justify.

This inconsistency also applies to other migration pathways. For example the skilled worker route allows for sponsorship of families to encourage skilled workers, whereas the Seasonal Agricultural Worker Visa does not. Therefore, people from the same country could have very different rights within UK law.

For migrants who identify as LGBTQ+, recognition of their families can be very difficult if they are from countries which criminalise or stigmatise being LGBTQ+. Due to the hidden nature of their relationships, there may be no documentation available to prove that they are in a genuine and subsisting relationship.

3. Does the financial requirement for spouses and partners (also known as “minimum income requirement”) achieve its objectives? How could the requirement, and the process of demonstrating it is met, achieve them better? How could it be adapted to reflect changes in the economy and the labour market? Are there any unintended consequences for individuals and families?

The stated aims of the reform to family immigration rules in 2012 were¹⁴:

- Preventing abuse
- Promoting integration
- Reducing burden on taxpayer
- Cutting net migration

The process to achieve these aims has been likened to using a sledgehammer to crack a nut by parliamentarians across all parties, and in doing so, often failing to meet the objectives, or disregarding the severe consequences of such a restrictive approach.

Enforced family separation while the UK spouse or partner attempts to raise sufficient funds to meet the MIR – which in itself is higher than the minimum wage, but issues also arise in how the Home Office accepts that the MIR is met - means that families are kept apart for prolonged periods, with a resulting detrimental impact on their physical and mental wellbeing. This can force the UK partner to work long hours and/or multiple jobs - thus not only hindering the ability of the foreign family member to integrate in our communities but also reducing opportunities for the integration of the British

¹⁴Hansard [HC Deb. vol.556, 7 January 2013](#). [Online]. [Accessed 14 September 2022].

citizen/resident sponsor. There is no shortage of case studies¹⁵ demonstrating the negative impact of the MIR on integration:

So here I am in the UK three months down the line and just got a job working for KFC. What I need to do now is work seven days a week on the minimum wage of £6.31 an hour, 12 hours a day, to earn £25,441.92 per annum...And this I have to do for six months. One is not supposed to work more than 48 hours a week, but I need to work 84! Rene's Story, 2014¹⁶.

The Home Office's own examples mandate that for ADR purposes, a visa within the rules may only be granted to those who are effectively housebound or even confined to bed – those who are so poorly that they cannot dress, eat, cook, bathe without assistance. This therefore does not leave the route open to (say) older parents at a time when they can integrate, or when they are healthy enough to not need to rely on the NHS. This is clearly in direct contradiction to the aims stated in the rules. The most recent assessment of the financial implications (in 2013) showed that this objective had not been met either¹⁷. The Government Impact Assessments¹⁸ conducted at the time only considered the cost of services to migrants but not their financial contributions (which far exceeded this number). In addition, preventing a partner from entering the UK is likely to increase the claims on the welfare state. This is because parents, for example, are more likely to draw on state support if living alone than if their partner is also here with the right to work¹⁹.

We are unaware of any more recent studies or assessments undertaken by the Government to see whether its stated objectives have been met. It would not be unreasonable to believe that it is not in the interest of the Government to undertake thorough reviews, given the immigration rules do not meet their own stated aims, and have an adverse impact on the wider community.

Although the Government appears to have dropped the net migration target, studies clearly show that net migration has in fact increased:²⁰

¹⁵See [BritCits blog](#); [Family Immigration Alliance blog](#); [Reunite Families UK 'Kept Apart'](#)

¹⁶Family Immigration Alliance (2015) [Blog] [Promoting families and sponsors in immigration](#)

¹⁷Kofman, E. & Wray, H. (2013) ['The fiscal implications of new Family Migration Rules: What does the evidence tell us?'](#), Middlesex University London

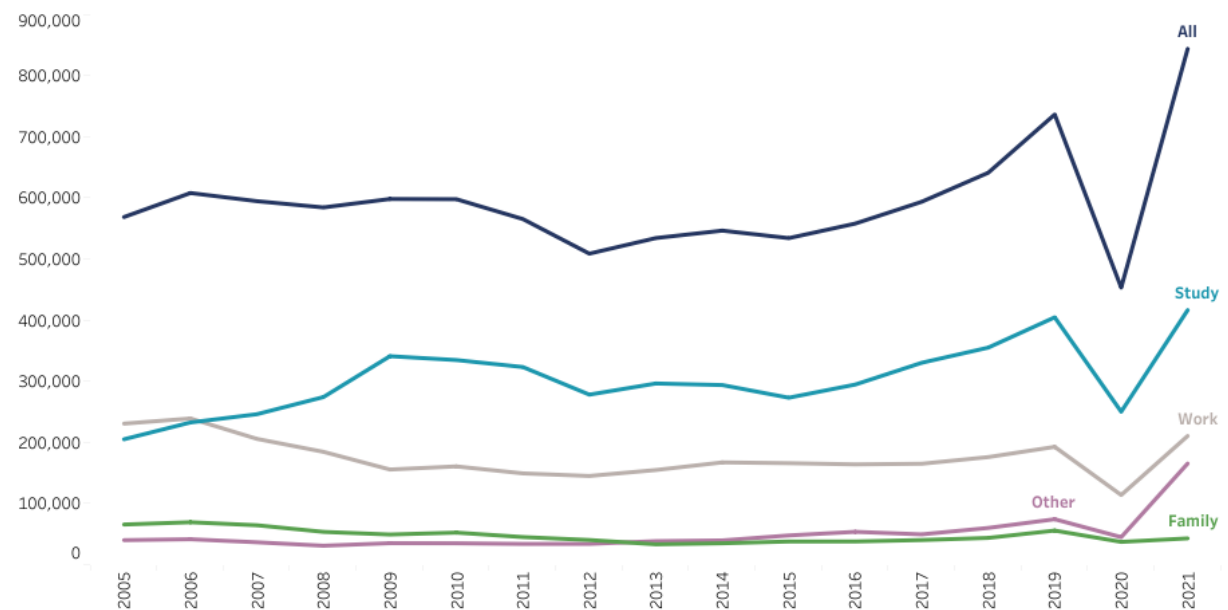
¹⁸Great Britain. Home Office (2012) [Changes to Family Migration Rules Impact Assessment](#)

¹⁹Kofman, E. & Wray, H. (2013) ['The fiscal implications of new Family Migration Rules: What does the evidence tell us?'](#), Middlesex University London

²⁰The Migration Observatory (2022) [Net Migration to the UK](#)

Number of visas issued to non-EU citizens per year, UK, 2005 to 2021

By type of visa



Source: Home Office immigration statistics, Vis_D02.

Notes: Data exclude Visitor and Transit visas. 'Other' includes BNO visa issuances.



Families unfortunately are an easy target; they're not big companies whose voice the government hears when tightening of skilled migration is bad for business. They're not universities with the power to lobby the government when its treatment of international students endangers the higher education sector. They do not have limitless time or funds to fight the Home Office for the basic right to live together. Much too often even a clear caseworker error makes re-applying easier, quicker, and cheaper than appealing (if allowed), or where even a win at tribunal sees the Home Office appealing further. Whilst companies refused a visa for an employee may find a replacement, families are not so easily substituted. Many now give up the battle altogether and simply leave the UK ²¹. Sonel Mehta

In addition to difficulties meeting the MIR for many families, the process is also highly complex and delays family reunification, for example the requirement to produce six months of payslips before an application can be made. If the Government removed this requirement, there are additional amendments to the process that could reduce delays such as:

²¹ Right to Remain (2016) [A price-tag on love, and a ban masquerading as a rule](#)

- Include potential earnings in the calculations (possibly by way of the applicant's salary in the overseas country, or a confirmed job offer of the sponsor in the UK).
- Not calculating annualised salary with reference to the lowest payslip in the evaluation period where otherwise the income requirement is met.
- Consider the skills and earning potential of the sponsor and overseas partner - who may have valuable, albeit not necessarily high-paying, skills (e.g., nursing, care worker, fruit picker) needed in the UK.
- Recognise the economic value of unpaid carers.
- Accommodate part-time workers.

Given that visas are granted on condition of 'no recourse to public funds', the aim to reduce the burden on the taxpayer is already met. Indeed, prolonging or preventing family reunification could be seen to have the opposite impact of increasing the burden on taxpayers, compounded by giving no value to the economic and social contribution brought by the family unit being allowed to live together.

In terms of unintended consequences, the MIR does not consider the discrimination caused by the rules, against:

- women who are not only likely to be lower earners but also more likely to be working part-time (often because they have caring responsibilities).
- those living outside London, where average earnings are much lower.
- different socio-economic groups, with communities of some ethnic backgrounds earning below the national average.

The rules therefore create unequal opportunities based on gender, location, and ethnicity.

Domestic abuse is also a serious issue, since people are tied into the process for several years. There is a power imbalance until the overseas partner is given indefinite leave to remain. The UK's Domestic Violence Indefinite Leave to Remain (ILR) application costs £2,404 and the decision takes six months. In addition the rules require the victim to have police reports, which many may not have as they are too scared to involve the police - thus pushing victims into further abuse. The rules around Domestic Violence Fee Concession require the victim to have bank statements; if they have suffered financial abuse these may not be possible to provide. Although there is a legal aid entitlement many people are not aware of this and require support to access which they will not get from an abusive partner.

Ella de'Gessio of Reunite Families UK states:

During casework around Domestic Abuse, we have witnessed victims being blackmailed with their visas, legal status, and finances. One victim was eventually thrown out of the family home and then had to set about seeking help and financial assistance/stability which isn't very easy when your current spouse visa stipulates NRPF (No Recourse to Public Funds) and your financial status will remain this way until your status is regularised through the Domestic Violence route.

We are therefore trapping people within the system and preventing them from moving forward and helping themselves. Abusive relationships always involve an imbalance of power and control; the current UK family migration policy only contributes further to this.

Domestic violence is also an issue for spouses from the UK who have been forced to exile themselves to be with their non-British spouse possibly due to not meeting the MIR, being unable to afford the fees, or having received a refusal. This creates a power imbalance for the British spouse who is often alone in a foreign country with no means of financially supporting themselves and very little family, friends, or outside support.

It is true to say that embassy assistance and some foreign policy can often exacerbate the situation when a UK citizen is trying to escape a domestic violence situation with a child especially as I have personally dealt with as part of my casework. In terms of power imbalance and domestic abuse the current UK family migration rules/policy can in part play the role of enabler for an abuser. Ella de'Gessio Reunite Families

How family migration policies affect society

4. What are the fiscal and economic impacts of family migration policies, for instance in respect of the labour market, recruitment, productivity, and innovation?

The Organisation for Economic Cooperation and Development (OECD) recognises the importance of facilitative family migration policies, such as family reunification provisions, in shaping the attractiveness of countries to the recruitment and retention of 'talented migrants'.²²

Preventing spouses and family members to come to the UK impacts on the labour market in several ways, including:

- Overseas partners are denied entry to the UK for an unnecessary period despite having skills that could help address shortages in the UK.
- The partner already in the UK may be unable to work full time if they do not have anyone to help with childcare.
- It may push people into other fields which pay higher salaries, and out of fields where their skills are needed, for example, care work or nursing.
- Migrants needing very specific language skills as assessed from an approved language centre. This can prevent people with adequate to good language skills entering the country²³.

In addition, we must consider the care that relatives can provide to support parents to remain in work. The UK has the highest childcare costs relative to earnings across the OECD²⁴. Research shows

²²OECD (2019) [How do OECD countries compare in their attractiveness for talented migrants?](#)

²³BritCits (2013) Adverse Impact of UK's Immigration Rules

²⁴OECD (2019) [Net childcare costs](#)

that grandparents help families, especially mothers, stay in paid work and work more hours. Grandparents' childcare contribution has been increasing over time. A study²⁵ conducted almost 10 years ago, estimated the value of grandparental childcare in the UK to be £7.3 billion. This is likely to have increased since then, given the increasing cost of childcare in the UK. The 2012 changes to the ADR visa route deny families with a migration background access to grandparental childcare, with potentially negative consequences for parents' labour market participation, and ultimately for the UK economy.

When launching the new points-based immigration system Priti Patel (Home Secretary at the time) stated that the new rules would enable the UK to attract the 'brightest and the best'²⁶. However, by failing to account for familial relationships and caring responsibilities, the reforms are deterring potential migrants to the UK. Organisations such as the British Medical Association report that highly qualified doctors from countries such as India and Pakistan are leaving the NHS to return home to care for ageing parents. The UK issued almost 65,000 Skilled Worker Visas to Indian nationals in 2021. These numbers are likely to continue under the auspices of the UK-India Migration and Mobility Partnership. By not providing those arriving now with a route to bring their older parents further down the line, the UK risks losing precisely the 'brightest and the best' migrants whom successive governments, both Labour and Conservative, have deemed essential to the UK's national economic competitiveness. In effect, the UK is storing up economic trouble for the future. In addition, this focus on the 'brightest and best' focuses on the earning potential of individuals rather than skills and fails to address serious labour shortages in the UK - for example in the care sector where the vacancy rate stands at 12.3%²⁷, the highest it has ever been.

The economic costs of restrictive family reunification policies are also apparent when we consider the harm caused to young unaccompanied asylum-seeking children and young people denied within migration policy any right to sponsor family members. In the absence of family care, these children and young people are failing to achieve their full potential educationally, with consequences for their capacity to contribute economically over the longer term²⁸.

5. What is the impact of family migration policies on public services?

Restrictive family migration impacts on who can enter the country for work purposes, but also increases the number of those leaving the UK to care for or reunite with their family members who cannot join them in this country. Both impact on public services.

The UK has a shortage of care workers and relies on migrant workers to fill these vacancies. However, care work is not high paid and without family support for childcare, low paid workers can struggle

²⁵Understanding Society (2013) [Grandparents and childcare](#)

²⁶Great Britain. Home Office (2020) [Home Secretary announces new UK points-based immigration system](#)

²⁷Skills for Care, vacancy information monthly tracking - <https://www.skillsforcare.org.uk/adult-social-care-workforce-data/Workforce-intelligence/publications/Topics/COVID-19/Vacancy-information-monthly-tracking.aspx>

²⁸The University of Sheffield [Migrant Youth Integration & Empowerment](#)

immensely to pay for childcare. This can result in care workers leaving the sector or having to leave the labour market entirely. Following Brexit there is also the impact of a perceived change in culture - people fear that they are not welcome in the UK and that they will experience racism and discrimination. In research led by Centre for Care researchers, some EU migrant care workers imagined bringing parents to the UK to be cared for, as this woman from Lithuania told us:

*and if it comes that my mum needs care, she will need to come here to live with me...*²⁹

Changes to EU migrants' family migration rights post-Brexit, deny this opportunity, rendering the UK a less attractive place to move to and remain in³⁰. An expert panel survey led by Centre for Care researchers reached consensus that a decline in EU work migration was a major risk of Brexit for adult social care, widening the gap between supply and demand with serious consequences for the availability and quality of care³¹.

There has been a flurry of news stories over recent months about NHS employees leaving to care for adult dependent relatives overseas. A recent article stated³²:

between 2015 and 2020 some 1,695 specialists, 743 GPs and 4,315 non-specialists asked to be removed from the register as they were moving to work overseas. While the reasons are not given, doctors told I [News, UK Newspaper] they believe the change to immigration rules surrounding ADR visas has played a major role.

There has been a concerted effort to cut migration but there is no clear plan to replace the loss of workers. In the care sector this has a negative impact on both unpaid carers and people in receipt of care and support. Lack of availability of social care means that people's families must provide more unpaid care:

"Families are struggling, and support is not available. At a recent recruitment day, we had more people come to us about referrals for their relatives than people looking for work." Recruitment manager of a supported living organisation.

²⁹Kilkey, M. (2021), [Ageing in and Out of Place: Towards Sustainable Wellbeing in Diverse and Mobile Contexts, 2018-2019](#), UK Data Service

³⁰Kilkey, M. (2017) '[Conditioning Family-life at the Intersection of Migration and Welfare: The Implications for "Brexit Families"](#)', *Journal of Social Policy*, 46(4): 797 – 814.

³¹Hussein, S. & Turnpenny, A. (2021) [Brexit and the migrant care workforce: Future policy directions](#). Sustainable Care Research Report, CIRCLE, Sheffield: University of Sheffield.

³²Gallagher, P. (2021) '[Thousands of doctors have quit the NHS for overseas amid row over visas for elderly parents](#)', i News, 13 April

Lack of available support can force unpaid carers out of the workforce as they are unable to juggle work and caring. In 2020, Sustainable Care researchers published *Supporting working carers: How employers and employees can benefit*³³, based on a representative survey of working carers in England and Wales:

- 44% of working carers reported finding it difficult to combine their paid employment and caring responsibilities. An estimated 1.6 million carers were struggling to combine work and care.
- 30% of working carers had reduced their hours of work because of their caring role. 36% had refused a job offer or promotion, or decided against applying for a job, because of their caring responsibilities.

6. What is the impact of family migration policies on local authorities?

Restrictive family migration policies are likely to impact on local authorities by increasing demand for social care; for example, older people whose British grown up children have moved abroad because they were not permitted to bring their partner/children to the UK may rely more heavily on social care.

The partner and ADR route have also led to a shortage of skilled workers, whereby British doctors, nurses and social workers are forced to leave the UK to be reunited with their family, whether this is because of the ADR rules, or because of being unable to meet the MIR. The British Medical Association and Royal

College of Nursing have already spoken publicly about the detrimental impact the family immigration rules are having on their members, with some moving to countries like Canada, New Zealand and Singapore, which all have more respectful family migration rules. Encouraging the loss of such skilled workers naturally creates problems for local authorities.

Young asylum seekers, denied the right to sponsor family members, in the absence of family care are failing to achieve their full potential educationally, with long term consequences for their inclusion in society. Research³⁴ shows how deeply protective and generative of successful longer-term pathways in terms of for example, education, having access to family care in the UK is. Without this support there is impact on local authorities with children requiring support from the social care system.

The restrictive definition of family in UK immigration policy fails to consider the very necessary care provided by those who may not fit the narrow definition of family used in immigration rules. Our research evidence shows that the long and costly wait for family reunification prolongs the requirement for transnational caring and places stress on unpaid carers as they juggle caring, work, and other responsibilities across two countries³⁵, thereby increasing the stress on our social care system which historically has relied on those in need of care to also, in some part, be looked after by family.

³³Austin, A. & Heyes, J. (2020) [Supporting working carers: how employers and employees can benefit, research report](#), London: CIPD and University of Sheffield.

³⁴The University of Sheffield [Migrant Youth Integration & Empowerment](#)

³⁵Merla, L., Kilkey, M., & Baldassar, L. (2020) [‘Introduction to the special issue “Transnational care: Families confronting borders”’](#), *Journal of Family Research*.

How migration policies affect families

7. In what circumstances may family immigration law and practice result in an extended (or indefinite) period of family separation or place families under stress in other ways? How could they be adapted to prevent or shorten periods of family separation or be more accommodating of the wellbeing of families?

Separation from each other, as well as navigating the expensive and complex migration system, places great stress on families. The MIR can result in spouses / partners working long hours and/or several jobs and needing to care for children without the support of a spouse / partner or family member. All of this is highly stressful and causes anxiety.

A recent survey by Steven Green on behalf of Reunite Families UK³⁶ showed 42% of respondents had experienced a separation of between 3 and 12 months, 37% between 1 and 3 years, 6% between 3 and 5 years, and 12% of 5 years or more. When asked to describe the impact of this on the respondent's physical health; 90% said it was negative, very negative or terrible. 91% said it would have a negative impact on their mental health.

This survey sample included families who were successful in reuniting with spouses and partners, so even when able to reunite the impact of separation is long lasting.

In 2012, families lost the right to appeal³⁷ decisions about family visit visas. This is not often discussed. People applying for ADR Visas are deterred from applying for a family visit visa. This is because the Home Office typically says that since the person has already shown a desire to settle in the UK, they do not believe that they will leave after the visit. Additionally, at the UK border, if a grandparent mentions looking after their grandchildren (e.g., after school), they could be refused entry. This contrasts with how we understand grandparenting for non-migrants - as a normal part of reciprocal family life³⁸.

Our recommendation is that we need more caseworkers with a higher level of skills and training, and no incentives or targets for refusals. Caseworkers should be incentivised to correctly process family reunification and ADR applications. Just under 15% of visa applications are refused, representing 247,280 refusals in 2021 alone.³⁹ However, half of all appeals lodged are successful.⁴⁰ Appealing a visa refusal is a time consuming, complex, and expensive process and an option that is only open to very few people.

³⁶Reunite Families UK (2020) [Living Online and Covid Impact](#)

³⁷Great Britain. Home Office [Scrapping family visitor appeal rights will save millions](#)

³⁸Tu, M. (2022) '[Ageing, migration infrastructure and multi-generational care dynamics in transnational families](#)', *Global Networks*, 00: 1– 15.

³⁹Great Britain. Home Office (2022) [National Statistics: List of Tables](#)

⁴⁰Free Movement (2019) [Half of all immigration appeals now succeed](#)

8. How do family migration policies affect children separated from one or both of their parents (or other relative)? How do families separated by immigration law use modern means of communication, and what is the impact of this use?

Although it is vital to consider the impact of family migration laws on children, we also want to highlight that families have other caring responsibilities beyond caring for children and these also need to be considered when assessing the impact of family migration policies.

When it comes to the role of technology, one assumption is that care can be exchanged using technology such as Skype and WhatsApp. This assumption has been used to refuse family reunification⁴¹. The pandemic, however, has arguably brought a new appreciation for physical co-presence, and especially for the importance of touch, as crucial for conveying comfort and compassion, and an awareness of the highly negative psychological and physiological implications of being deprived of human touch.

The pandemic has also increased awareness of infrastructural weaknesses and inequalities when it comes to access to Information and Communication Technologies (ICTs). Migrant families have long had to navigate the challenges of a global digital divide. In an ongoing project⁴² with young migrants, we have found that for our Eritrean and Sudanese research participants, war makes contact with family members at home or displaced elsewhere extremely difficult; in some cases, extending to several months without communication.

In 2015 the Children's Commissioner⁴³ published a report on 'Skype families', supported by BritCits, which concluded that although ICTs facilitated some communication, the separation caused significant distress to children, and technology was an insufficient substitution for being physically in the same place as family members.

My daughter is getting to know me via Skype. I don't want her to know me via Skype, I just want to know my daughter better. I mean she was crying yesterday, and I couldn't pick her up and it just broke my heart (Father of a 6-month-old girl)

The report described children as experiencing high levels of stress and anxiety which resulted in eating disorders, social withdrawal from peers, anger, tantrums and continence issues.

Being separated from parents and wider family members, be it because of MIR or ADR rules, can cause children to lose their language, culture, and miss out on bonding time in their early years. It also creates more nuclear families despite studies showing the benefits to child wellbeing from access to a wider family unit including grandparents⁴⁴.

⁴¹Free Movement (2020) [Coronavirus has taught us the limitations of "modern means of communication"](#)

⁴²The University of Sheffield [Migrant Youth Integration & Empowerment](#)

⁴³Children's Commissioner (2015) [Family Friendly? The impact on children of the Family Migration Rules: A review of the financial requirements](#)

⁴⁴Thomas, P. A., Liu, H., & Umberson, D. (2017) '[Family Relationships and Well-Being](#)', *Innovation in Aging*, 1(3): igx025–igx025.

The recent survey by Reunite Families UK⁴⁵ asked survey participants to rate the following statement: *It has previously been argued that important family relationships can be conducted largely online. Given your experience of family separation, how do you feel about that statement?* The responses were that 89% rated the statement “completely ridiculous”; 8% largely false; with 4% saying largely true or true.

Expanding on their response, one participant stated:

Staying in touch online has been a crutch, a necessary evil that we hold onto, like onto a straw while drowning. It certainly does not allow actual relationships to develop and bloom. We need physical contact and denying us family life due to how laws and borders are interpreted between countries is nothing short of outrageous.

However, to reiterate the earlier point many people are in the throes of transnational caring beyond childcare, unable to bring relatives to the UK, they are juggling work, parenting, and caring for a relative overseas. Despite the then Health Secretary, Jeremy Hunt⁴⁶ stating that British families should adopt an ‘Asian’ approach and care more for elderly relatives, the UK government prevents people from doing just that by enforcing family separation. Seeing ADR as a burden on the taxpayer totally ignores the value of reciprocal family care which is recognized as a part of everyday life for UK families. Moreover, the assumption that older people have access to and the skills to use ICTs is false, as Centre for Care researchers found in research with older migrants⁴⁷.

9. How should family migration policies interact with the right to respect for family and private life and the best interests of the child? What can the immigration process learn from the family justice system and how could they best interact with one another?

Again, we would highlight here the role of kinship care that is recognised in some aspects of UK policy but not in migration policy, despite benefitting children:

There are already thousands of grandparents, aunts, uncles, brothers, and sisters who care for their family members. However, this group of carers are a silent and unheard majority in the children’s social care system, and they need far greater recognition, and support⁴⁸.

The role of extended family is recognised in relation to Children’s Social Care but not applied to family migration laws where older people seeking to come to the UK on an ADR visa are seen as a burden or expense.

⁴⁵Reunite Families UK (2020) [Living Online and Covid Impact](#)

⁴⁶Butler, P (2013) ‘[Jeremy Hunt: UK should adopt Asian culture of caring for the elderly](#)’, The Guardian, 18 October

⁴⁷Kilkey, M., Ryan, L., Lorinc, M. & Tawodzera, O. (2020) ‘[Care ‘in’ and ‘out’ of place: the experiences of ageing migrants](#)’, CIRCLE, University of Sheffield.

⁴⁸The Independent Review of Children's Social Care (2021) [Final Report](#)

10. How do family migration policies and their implementation affect the integration and participation in British society of (would-be) sponsors and their sponsored family members?

As described above, current migration laws hinder integration of not just the foreign family member, but even the British citizen/resident, reducing their ability to participate in British society, by forcing people to be separated from family, work long hours, or leave the labour market to care for children and elderly relatives. Other ways in which integration is restricted by the current policies are:

- The UK Government has cut funding for ESOL (English for Speakers of Other Languages), which hinders integration. Many countries provide free language lessons for migrants to promote integration⁴⁹.
- The rules on ADR are especially punitive because they only allow entry to those who are especially frail and require long-term personal care to perform everyday tasks⁵⁰ - likely too frail to be able to participate in community activities or form many new relationships. If older adults were allowed to come when they were more physically active, then there would be greater opportunities for integration.
- Unaccompanied asylum-seeking children and young people have a lack of older adults to guide them in life. This damages their wellbeing and capacity to integrate, and can result in very negative outcomes, e.g., dropping out of school. Their lives can be positively transformed by family reunification⁵¹.
- Young people need extended families, especially in the context of significant cuts to youth services in the UK.

⁴⁹OECD (2017) [Making Integration Work](#)

⁵⁰Free Movement (2017) [The immigration rules for adult dependent relatives: out with the old...](#)

⁵¹The University of Sheffield [Migrant Youth Integration & Empowerment](#)