

FAMILY MIGRATION CONSULTATION RESPONSE FORM

July 2011

The Family migration consultation document is available in electronic format on our website at <http://www.ukba.homeoffice.gov.uk/policyandlaw/consultations/>. We would encourage you to read this before completing your responses.

You may also respond to this consultation using the online response tool, which is available at <http://www.ukba.homeoffice.gov.uk/family-migration-consult>.

If you wish to respond to this consultation in writing, you can do so using this response form.

Your completed consultation form should be sent no later than midnight on 6 October 2011 to the following address:

Email:

Familyconsultation@homeoffice.gsi.gov.uk

By post:

Family consultation
UK Border Agency
Home Office
1st floor, Seacole
2 Marsham Street
London
SW1P 4DF

Your details

Name

Organisation (leave blank if you are responding in a personal capacity, rather than on behalf of an organisation)

Postal address

Telephone number

Email

SECURING OUR BORDER CONTROLLING MIGRATION

MARRIAGE AND CIVIL PARTNERSHIP

QUESTION 1

Should we seek to define more clearly what constitutes a genuine and continuing relationship, marriage or partnership, for the purposes of the Immigration Rules? If yes, please make suggestions as to how we should do this.

(Please select **one** answer only)

☐ Yes

If yes, please make suggestions

☐ No

☐ No opinion

QUESTION 2

Would an 'attachment to the UK' requirement, along the lines of the attachment requirement operated in Denmark:

a) Support better integration?

(Please select **one** answer only)

☐ Yes

☐ No

☐ No opinion

b) Help safeguard against sham marriage?

(Please select **one** answer only)

☐ Yes

☐ No

☐ No opinion

c) Help safeguard against forced marriage?

(Please select **one** answer only)

☐ Yes

☐ No

☐ No opinion

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QUESTION 3

Should we introduce a minimum income threshold for sponsoring a spouse or partner to come to or remain in the UK?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 4

Should there be scope to require those sponsoring family migrants to provide a local authority certificate confirming their housing will not be overcrowded, where they cannot otherwise provide documentation to evidence this?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 5

Should we extend the probationary period before spouses and partners can apply for settlement (permanent residence) in the UK from the current 2 years to 5 years?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 6

Should spouses and partners, who have been married or in a relationship for at least 4 years before entering the UK, be required to complete a 5-year probationary period before they can apply for settlement?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

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QUESTION 7

Should spouses and partners applying for settlement (permanent residence) in the UK be required to understand everyday English?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 8

Which of the following English language skills should we test?

(Please select **all that apply**)

- ☐ Speaking
- ☐ Listening
- ☐ Reading
- ☐ Writing

- ☐ No opinion

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TACKLING SHAM MARRIAGE

QUESTION 9

Should we (in certain circumstances) combine some of the roles of registration officers in England and Wales and the UK Border Agency as a way of combating sham marriage?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 10

Should more documentation be required of foreign nationals wishing to marry in England and Wales to establish their entitlement to do so?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 11

Should some couples, including a non-EEA national marrying in England and Wales, be required to attend an interview with the UK Border Agency during the time between giving notice of their intention to marry and being granted authority to do so?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 12

Should 'sham' be a lawful impediment to marriage in England and Wales?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

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QUESTION 13

Should the authorities have the power in England and Wales to delay a marriage from taking place where 'sham' is suspected?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 14

Should local authorities in England and Wales, that have met high standards in countering sham marriage, be given greater flexibility and revenue raising powers in respect of civil marriage?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 15

Should there be restrictions on those sponsored here as a spouse or partner sponsoring another spouse or partner within 5 years of being granted settlement in the UK?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 16

If someone is found to be a serial sponsor abusing the process, or is convicted of bigamy or an offence associated with sham marriage, should they be banned from acting as any form of immigration sponsor for up to 10 years?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

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QUESTION 17

Should we provide scope for marriage-based leave to remain applications to be countersigned by a solicitor or regulated immigration adviser, as a means of confirming some of the information they contain?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 18

Should there be scope for local authorities to provide a charged service for checking leave to remain applications, including those based on marriage, as they can do for nationality and settlement applications?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

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TACKLING FORCED MARRIAGE

QUESTION 19

If someone is convicted of domestic violence, or has breached or been named as the respondent of a Forced Marriage Protection Order, should they be banned from acting as any form of immigration sponsor for up to 10 years?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 20

If the sponsor is a person with a learning difficulty, or someone from another particularly vulnerable group, should social services departments in England be asked to assess their capacity to consent to marriage?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

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OTHER FAMILY MEMBERS

QUESTION 21

Should there be a minimum income threshold for sponsoring other family members coming to the UK?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 22

Should adult dependants and dependants aged 65 or over complete a 5-year probationary period before they can apply for settlement (permanent residence) in the UK?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 23

Should we keep the age threshold for elderly dependants in line with the state pension age?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

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QUESTION 24

Should we look at whether there are ways of parents or grandparents aged 65 or over being supported by their relative in the UK short of them settling here?

(Please select **one** answer only)

☐ Yes

If yes, please make suggestions

☐ No

☐ No opinion

QUESTION 25

Should there be any change to the length of leave granted to dependants nearing their 18th birthday?

(Please select **one** answer only)

☐ Yes

If yes, please make suggestions

☐ No

☐ No opinion

QUESTION 26

Should dependants aged 16 or 17 and adult dependants aged under 65 be required to speak and understand basic English before being granted entry to or leave to remain the UK?

(Please select **one** answer only)

☐ Yes

☐ No

☐ No opinion

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QUESTION 27

Should adult dependants aged under 65 be required to understand everyday English before being granted settlement (permanent residence) in the UK?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

POINTS-BASED SYSTEM DEPENDANTS

QUESTION 28

Should we increase the probationary period before settlement (permanent residence) in the UK for points-based system dependants from 2 years to 5 years?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 29

Should only time spent in the UK on a route to settlement count towards the 5-year probationary period for points-based system dependants?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

QUESTION 30

Should we require points-based system dependants to understand everyday English before being granted settlement (permanent residence) in the UK?

(Please select **one** answer only)

- ☐ Yes
- ☐ No
- ☐ No opinion

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OTHER GROUPS

QUESTION 31

In what other ways could the UK Border Agency improve the family visit visa application process, in order to reduce the number of appeals?

Please list all suggestions

QUESTION 32

Beyond race discrimination and ECHR grounds, are there other circumstances in which a family visit visa appeal right should be retained?

(Please select **one** answer only)

☐ Yes

If yes, please make suggestions

☐ No

☐ No opinion

QUESTION 33

Should we prevent family visitors switching into the family route as a dependent relative while in the UK?

(Please select **one** answer only)

☐ Yes

☐ No

☐ No opinion

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ECHR ARTICLE 8: INDIVIDUAL RIGHTS AND RESPONSIBILITIES

QUESTION 34

Should the requirements we put in place for family migrants reflect a balance between Article 8 rights and the wider public interest in controlling immigration?

(Please select **one** answer only)

☐ Yes

If yes, please comment further if you wish

☐ No

If no, please comment further if you wish

☐ No opinion

QUESTION 35

If a foreign national with family here has shown a serious disregard for UK laws, should we be able to remove them from the UK?

(Please select **one** answer only)

☐ Yes

If yes, please comment further if you wish

☐ No

If no, please comment further if you wish

☐ No opinion

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QUESTION 36

If a foreign national has established a family life in the UK without an entitlement to be here, is it appropriate to expect them to choose between separation from their UK-based spouse or partner or continuing their family life together overseas?

(Please select **one** answer only)

☐ Yes

If yes, please comment further if you wish

☐ No

If no, please comment further if you wish

☐ No opinion

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GENERAL QUESTIONS

QUESTION 37

What more can be done to prevent and tackle abuse of the family route, particularly sham and forced marriage?

☐ No opinion

QUESTION 38

What more can be done to promote the integration of family migrants?

☐ No opinion

QUESTION 39

What more can be done to reduce burdens on the taxpayer from family migration?

☐ No opinion

QUESTION 40

How should we strike a balance between the individual's right under ECHR Article 8 to respect for private and family life and the wider public interest in protecting the public and controlling immigration?

☐ No opinion

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BACKGROUND CONSULTATION QUESTIONS

QUESTION 41

How did you hear about this consultation?

- ☐ UK press (national or regional newspaper)
- ☐ UK broadcast media (radio or television news)
- ☐ UK media websites (e.g. BBC, Guardian online, The Sun online)
- ☐ International press
- ☐ UK Border Agency website/mailling list (including UK Visas)
- ☐ Other immigration advisory websites/mailling lists (non UK Border Agency)
- ☐ Overseas websites
- ☐ Word of mouth
- ☐ Social networking sites
- ☐ Other (please specify)

If you answered 'other' please specify below:

QUESTION 42

Are you responding to this consultation:

(Please select **one** answer only)

- ☐ in an official capacity (e.g. on behalf of an organisation or company)

If so, are you (please select **one** answer only):

- ☐ Public sector body
- ☐ Private sector body
- ☐ Voluntary/not for profit organisation
- ☐ Other

If you answered 'other' please specify below:

Thank you for taking the time to complete this consultation questionnaire.

- ☐ as a member of the public (these are your personal opinions) (Go to question 43)

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QUESTION 43

Are you a British citizen?

(Please select **one** answer only)

- ☐ Yes (Go to question 45)
☐ No
☐ Prefer not to say

QUESTION 44

Do you have a time limit on your stay in the UK?

(Please select **one** answer only)

- ☐ Yes
☐ No
☐ Don't know
☐ Not applicable
☐ Prefer not to say

QUESTION 45

What is your sex?

(Please select **one** answer only)

- ☐ Male
☐ Female
☐ Prefer not to say

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QUESTION 46

What is your age?

(Please select **one answer only**)

- ☐ 16 to 19
- ☐ 20 to 24
- ☐ 25 to 29
- ☐ 30 to 34
- ☐ 35 to 39
- ☐ 40 to 44
- ☐ 45 to 49
- ☐ 50 to 54
- ☐ 55 to 59
- ☐ 60 to 64
- ☐ 65 to 69
- ☐ 70 to 74
- ☐ 75 to 79
- ☐ 80 or over
- ☐ Prefer not say

QUESTION 47

What is your ethnic group?

(Please select **one answer only**)

A. White

- ☐ English / Welsh / Scottish / Northern Irish / British
- ☐ Irish
- ☐ Gypsy or Irish Traveller
- ☐ Any other White background, write in below

B. Mixed / multiple ethnic groups

- ☐ White and Black Caribbean
- ☐ White and Black African
- ☐ White and Asian
- ☐ Any other Mixed / multiple ethnic background, write in below

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C. Asian / Asian British

- ☐ Indian
- ☐ Pakistani
- ☐ Bangladeshi
- ☐ Chinese
- ☐ Any other Asian background, write in below

D. Black / African / Caribbean / Black British

- ☐ African
- ☐ Caribbean
- ☐ Any other Black / African / Caribbean background, write in below

E. Other ethnic group

- ☐ Arab
- ☐ Any other ethnic group, write in below

- ☐ Prefer not to say

QUESTION 48

48: Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

- ☐ Yes, limited a lot
- ☐ Yes, limited a little
- ☐ No
- ☐ Prefer not to say

Thank you for taking the time to complete this consultation questionnaire.