

THE SAYING goes “Money is the root of all evils.” In the context of immigration, it can be said that “Money is the root of a lot of refusals”. Many will agree that this is particularly the case in family “leave to enter” applications.

The following will explore and hopefully shed some light in the ever confusing “financial requirements” for applicants who are



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either spouses/partners or children seeking to join their sponsor spouse/partner or parent in the UK. It should be noted that the premise is that the sponsor (the family member resident in the UK) is either British or has indefinite leave to remain in the UK. If the sponsor has limited leave, then different rules will apply.

The first issue to consider is who is the applicant? The applicable rules will depend on whether you are a:

- Spouse or
- Child or
- Both spouse and child.

Spouse / Partner applicants

The minimum income rule for spouses is governed by the Immigration rules, namely section E-ECP.3.1 of Appendix FM. The provision requires that the sponsor spouse who lives in the UK must have an income, before tax, of at least £18,600 per annum. The starting point may appear simple, but

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Financial Requirements in Family Applications

the issue becomes more complex if the sponsor’s income is other than “traditional” such as self-employment or if his/her income falls short of the required £18,600.

Sources of income are classified into 7 categories (categories A to G). You can combine sources from the different categories to make up £18,600 but beware that there are strict and complicated rules about which categories and tax years you can combine. The complexities that make up the Home Office policy guidance on income is arguably unrivalled so I will not even attempt to deal here with the categories in any detail. Instead, we will look at specific and common problems and apply to these the relevant rules.

A common scenario is where the sponsor earns less than £18,600 p/a from his/her employment but may have other sources of income that can be combined to make up the shortfall. For example, if you earn £15,000 but also rent out a room in your home and the rental income amount to £4000 p/a, this falls under category C and can be combined with your salaried employment which is category A. The total of both (A plus C) is £19,000 which is clearly over the minimum requirement.

Another possibility is where the sponsor may have cash savings (category D). Beware that there are strict conditions applicable when utilising savings to make up any shortfall such as minimum time limits for “holding” the savings.

In our case above, the sponsor earns £15,000 which means a shortfall of £3,600 from the minimum



requirement of £18,600. To work out the minimum savings required you multiply the shortfall by 2.5 and then add the income received. In our above case, the shortfall is £3600; multiply this by 2.5 gives you £9000, and then add to this the £15000 annual income. This requires the sponsor, in our case, to have total savings of £24000.

Children applicants

I come across many cases where the sponsor/parent is seeking to **only** apply for his/her child to join him/her in the UK. From this, I am aware that many parents have been put off or have “put off” applying for their children to join them in the UK for fear that they cannot satisfy the “minimum income requirement”. It should be noted that the “minimum income requirement” of £18,600 p/a does **not** apply to children. This does not mean that there is no financial requirement, because there is albeit couched in more general terms. The Immigration rules provide that:

Requirements for indefinite leave to enter the United Kingdom as

the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

297. The requirements to be met by a person seeking indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom are that he:

(v) can, and will, be maintained adequately by the parent, parents, or relative the child is seeking to join, without recourse to public funds; ...

It is for the applicant and sponsor to prove compliance so

it is crucial that you show that you, as the sponsor/parent, can indeed maintain your child without recourse to public funds. To achieve this, you should include a list of your outgoings and income in your supporting letter and back it up with evidence in the form of payslips and bank statements.

Spouse/Partner and Children applicants

Where the applicants are the spouse and their children, the rules apply the “minimum income requirement” but instead of £18,600 p/a, the minimum increases with the number of children. In essence:

For the first child, the additional gross income must be £3,800. It is £2,400 for any additional child thereafter which means:

Partner with no children – £18,600

1 child in addition to the partner – £22,400

2 children in addition to the partner – £24,800

3 children in addition to the partner – £27,200

Whilst the above only deals with the money side of the provision, do not forget the second limb of the financial requirements which is “adequate accommodation”. Of equal importance to applying the rules to your case is the need to provide quality evidence. It is your case to prove. ■

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