

LIRA'S IMMIGRATION CORNER

The Adult Dependant Route

“cutting off your nose to spite your face”

WHAT IS the Adult Dependant Route? The Home Office defines this as:

The purpose of the Adult Dependant Route (ADR) route is to allow an adult dependent relative (ADR) of:

- a British citizen in the UK
- a person settled in the UK
- a person in the UK with refugee leave or humanitarian protection
- a person in the UK with limited leave under Appendix EU,

in accordance with paragraph GEN 1.3.(d) to settle here, if they can demonstrate that, as a result of age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their relative here and without recourse to public funds.

Source: Home Office

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1049806/Adult_dependent_relatives.pdf

The ADR was not always so restricted. It was changed in 2012 to the above. A decade since its introduction the House of Lords Justice and Home Affairs Committee is currently gathering evidence for an inquiry into the impact of the change. You can help by making written submissions by **15 September 2022**. Your views are essential. Please see details of how to submit your views.

<https://committees.parliament.uk/call-for-evidence/2706/>

The last review of the



ADR was in 2016, the report concluded that the change was reasonable and should be maintained in its current format. It has taken a further six years to get to this stage.

If you want your views to be heard, the time is now. It is crucial that the enquiry considers the personal impact the harsh change in the Rules have had on families and how this



BY LIRA SIMON CABATBAT

is affecting the United Kingdom’s ability to recruit and retain migrants including those whose skill sets are clearly needed.

To meet the ADR Visa route **before** 2012 a dependent relative was required to only show that they were living alone *in the most exceptional compassionate circumstances*.

The requirements **after** 2012 demanded that the applicant or dependant adult fit within the following categories.

- parent aged 18 years or over;
- grandparent;
- brother or sister aged 18 years or over; or
- son or daughter aged 18 years or over of a person (“the sponsor”) who is in the UK.

The sponsor must at the date of application be-

- aged 18 years or over; and
- (i) a British Citizen in the UK; or (ii) present and settled in the UK; or (iii) in the UK with refugee leave or humanitarian protection.

Additionally, the rules require that:

Applicants need to demonstrate that they require a level of long-term personal care that they are unable to get in their home country, either due to cost or availability. This makes it nearly impossible for the parents, grandparents or other adult dependent relatives of British citizens and those present and settled in the UK to join their family here.

Source: Free movement

<https://freemovement.org.uk/a-decade-of-lost-care-and-relationships-for-generations-the-need-for-a-post-pandemic-review-of-the-adult-dependent-rules/>

The ADR was not a commonly used route even prior to the 2012 change when only around 2,325 applications were granted per year. By 2020 this number had fallen to 70, which is a mild improvement from 2017 when zero visas were issued.

The Chair of Association of Pakistani Physicians of Northern Europe (APPNE) secured an FOI in May 2021 which revealed the dismal number of ADR visas granted over the last four years:

Year	Issued
2017	0
2018	35
2019	113
2020	70

Source: Free Movement ibid

Just looking at the figures above it seems that the change introduced to the ADR route in 2012 has accomplished what was intended, i.e. to reduce the number of adult dependents coming into the UK.

The Adult Dependant Route

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So why is this bad for the UK?

The pandemic, Brexit and the apparent need for certain skill sets to ensure that our economy remains competitive in the global market now requires an urgent rethink of the ADR.

The 2016 review of the ADR route stated that:

The main aim of the new ADR rules is to reduce burdens on the taxpayer, in particular NHS costs.

Source: Home Office Website

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/576644/Adult_dependent_relatives-review.pdf

The concern was therefore the economic cost to the taxpayer of granting applicants' visas to the UK under the ADR. The presumption was that such applicants will likely need to rely on NHS care. It is noteworthy that the old ADR covered not only sickly relatives. It was aimed at those living alone in the most exceptional compassionate circumstances and so included adult children of working age. The effect was to allow family reunions which in turn encouraged migrants to pursue their family life in the UK.

The issue (ADR) was raised in Westminster by the Chair of the Immigration All Party Parliamentary Group, Stephen Timms in November 2021 who stated:

The Minister is being very generous with her time. She has made much of the cost issue; I think she indicated that for somebody elderly arriving

in the UK, we would expect health and care costs of something like £175,000, but a GP has had £500,000 invested in them. I wonder whether an assessment has been made somewhere of the value for taxpayers—the straightforward financial cost—of forcing somebody who is highly trained out of the country, versus the cost of care for their elderly relative.

Source: Hansard
<https://hansard.parliament.uk/commons/2021-11-03/debates/EAAE3C28-2875-45F2-8EC7-A77AF5266230/Adult-DependentRelativeVisas>

Putting aside any concerns about the data relied on by the 2016 review, the 2012 change in the rules comes within the strange phrase **“cutting off your nose to spite your face”**. Put another way, the Home Office in seeking to limit migrants under this route, because of their alleged costs to the taxpayer, may in fact have resulted to prejudice to the UK economy in terms of loss of skilled workers, their tax contributions, loss of expertise and opportunities they would have created had they decided to make the UK their home.

As an immigration practitioner I can attest to possible migrant applicants, of varying skills needed in the UK, who have been put off from applying to the UK when informed that they can come into the UK with their immediate family (spouse and children under 18 years old) but not their elderly parent or child who is now over the age of 18 years old.

It is generally accepted that there is a shortage of doctors in the UK and that this shortage is

likely to get worse. To stem what has been described as an exodus of doctors it has been reported that *Ministers are preparing to announce changes to NHS pension rules in an attempt to stem the tide of senior doctors leaving the health service.*

Source: Saturday August 27 2022, The Times

<https://www.thetimes.co.uk/article/nhs-pension-rules-face-overhaul-exodus-senior-doctors-latest-lcz3pj5zx>

It may be easier to reach a conclusion supported by data that is quantifiable, but this pounds and pennies approach often fails to fully take into account the importance of family life to migrants whose skill set are much needed in the UK.

Of more than 6,000 doctors from the UK who have left since 2015, many have reported this is due to harsh immigration rules preventing them staying together as families. The impact on several generations of grandchildren who are losing out on these valued relationships is irreversible, despite the Home Office stating that their relationships can be maintained by modern technology.

The BMA, GMC, several Royal Colleges, BAPIO and APPNE, BIDA and BINA were amongst those health bodies who followed up a joint letter to the Home Secretary in January 2020 (to no direct response) and asked for a review of the rules by garnering support from peers, and several politicians.

Source: Free Movement *ibid*

The need for workers in the UK is wide ranging. It is indis-

putable that there is a desperate need for carers, nurses, and doctors. The hospitality industry has also been severely affected by the shortage of staff and for some, this has resulted to business closure. The government has acknowledged this need and has introduced some measures such as the introduction of the Carer Visa in February 2022, which is presently due to end on the 15th of February 2023, but they need to go further. A review of the ADR presents the government an opportunity to introduce some changes that will encourage migrants to remain in the UK or equally important, to apply to work and live in UK.

The UK remains a country of opportunities with enviable technological and medical advances, made more evident by its contribution to the world of the Covid vaccines. However, the UK is competing with other countries to get and retain highly qualified migrants and/or migrants with a rare skill set as well as locals alike. Some countries have clearly seen fit to make their country more interesting to migrants by taking into account elderly parents.

*A much more humane approach is evident in the data and policies for elderly migration in other countries such as Canada, New Zealand and Australia, with **Canada allowing 20,000 elderly parents in 2019**, and **Australia 7,371 in 2019-20**. **Australia even relaxed elderly parent entry rules in the pandemic.***

Source: Free Movement *ibid*

To remain competitive the UK government must think out of the box.

Family Migration Review – deadline on 15 September 2022

Make your views count

The House of Lords Justice and Home Affairs Committee is currently gathering evidence for an inquiry into family immigration. Share your views by **15 September 2022**. Please see details of how to have your say.

<https://committees.parliament.uk/call-for-evidence/2706/>

The Committee intends to consider migration policies in whole and, rather than focussing on specific immigration pathways in isolation, intends to investigate the differences between different pathways. It is interested to know about the wider trends in the design of family immigration pathways, how migration policies affect families, and how family migration policies affect society. The Committee will be interested to identify any emerging best practices or lessons learnt in how recent immigration pathways were designed, and how this affects families. ■

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