

## Written evidence submitted by the Army Families Federation

### Issues faced by Foreign & Commonwealth families

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#### 1. Introduction and background

- 1.1. AFF has been asked to submit evidence to the Defence Select Committee on what is our experience of the problems reported to us by Foreign & Commonwealth personnel and their families. What are the main issues? How much of the problem is the responsibility of MoD and how much is the Home Office? What needs to be done?
- 1.2. Over the last three years, the Armed Forces has recruited around an additional 890 F&C personnel. Between 2016 and 2018, AFF saw an increase in enquiries of 50% from this community representing 20% of our overall enquiries.
- 1.3. Given the prospective recruitment of around 1,000-1,3000 additional F&C personnel per year, over the next few years starting in 2019, we remain deeply concerned about the support given to this community.
- 1.4. AFF chairs the Cobseo Foreign & Commonwealth Cluster and oversaw the publication of research into *Meeting the Needs of Commonwealth Personnel and Families: A Map of Service Provision*.<sup>1</sup> Much of our paper is covered in this research.

#### 2. Minimum income requirement (MIR)

- 2.1. There are two separate issues relating to MIR for F&C families; firstly, the issue of the Home office policy and secondly how the MOD and the Army is implementing and informing recruits of the policy. The details of the information concern can be found in section 5 where we discuss information provision more widely.
- 2.2. Minimum Income Policy Background - The UK recruits soldiers from across the Commonwealth to serve in our Armed Forces. There are currently over 6,000 personnel serving in the UK Armed Forces from Foreign and Commonwealth countries. Since December 2013, those who leave their country of origin to serve our nation are subjected to the Government's Minimum Income requirements if they wish to bring their immediate family with them.
- 2.3. Issue - The immigration rules introduced on 1 December 2013 closely aligned themselves to the rules for civilians. The minimum income policy therefore states

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1. <sup>1</sup> <https://www.fim-trust.org/wp-content/uploads/2018/03/20180316-Commonwealth-Final-Report.pdf>

that a soldier needs to earn £18,600 before he can bring his spouse with him, £22,400 to bring spouse + 1 child and £24,800 to bring spouse + 2 children and there after £2,400 for each additional child they wish to bring. A soldier's starting wage is on average £19,025. It can therefore be many years before an F&C soldier earns the salary needed to bring his complete family leaving the soldier having to choose which children he can bring to the UK.

- 2.4. The Family Test - In August 2014, the prime minister announced the introduction of a Family Test, to be applied by government departments when devising policy. The guidance and documentation to this test states that, "strong and stable families, in all their forms, play an important role in our society. Families have a major impact on the life chances of individuals and strong family relationships are recognised as an important component of individual, community and national wellbeing". The test sets out several questions that government departments should apply when devising policies that risk affecting families. These include assessing what impacts the policy will have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities. Although the Family test was devised after Minimum Income Threshold legislation was introduced, we believe that the Armed Forces Covenant provides for special consideration for this test to be applied in the case of Commonwealth soldiers. If it were to be applied, it is our belief that the policy would fail the test as it enforces separation of spouses and parents from their children, and runs contrary to the previous Chief of Defence People's own comments in the MOD's 2016 Families Strategy that, "our personnel can only fully deliver their Defence task if they have the support of their families as well as the confidence that their loved ones will be able to access the right support when required."
- 2.5. Recommendation - We strongly urge the Home Office to exempt F&C soldiers from the minimum income requirement.

### 3. Cost of remaining in the UK

- 3.1. Background - Non-British civilian must apply for Indefinite Leave to Remain (ILR) in order to remain in the UK permanently. Families of soldiers who come to the UK are usually eligible to apply for ILR after five years. Soldiers are eligible for ILR once they have served for 4 years but they can only apply for ILR once they have been discharged.
- 3.2. Issue - The cost of remaining indefinitely in the UK has increased by 184% for adults and by 1,752% for children since 2010. The cost of settlement for a family of 4 is now £9,556. The Armed Forces Pay Review Body Annual Report (April 2015) shows that the take home pay for a private soldier has increased by 10.7% since 2010. Salaries are not keeping in line with the increase in visas costs and our families are struggling to save enough. This is leading to many spouses and families becoming overstayers and consequently victims of the 'hostile environment' which includes being prevented from working, accessing higher education and being asked to leave the UK. Families in this situation also cannot be posted with the soldier on an overseas assignment if they don't have a valid visa.
- 3.3. Foreign & Commonwealth soldiers can only apply for ILR on discharge. As the cost to apply for ILR increases every year and has risen markedly over the last eight years, this means that F&C personnel pay more the longer they serve and may pay considerably more than a civilian who can apply after 5 years. For example, a

soldier who enlisted in 2010 and discharged in 2015 would have paid £1,500, a soldier who enlisted in 2010 but discharged in 2018 would need to pay £2,389.

### 3.4. Recommendation:

- 3.4.1. We believe that the Home Office should instigate a flat fee for Armed Forces personnel, regardless of length of Service which would then prevent discrimination against those who have served for longer.
- 3.4.2. We would like to see the MOD facilitate a direct from source saving scheme to help soldiers and their families save for this considerable expense. Soldiers need to be encouraged to start saving for their future and that of their families from day one.

## 4. English for Citizenship Application

- 4.1. Background - all applicants for Citizenship and ILR are required to take the Knowledge of Language and Life in UK test (KoLL) and must meet the English language requirement (which either requires them to be from a majority English language speaking country, to have taken an approved test or to have a degree in English).
- 4.2. Issue - Serving Personnel are exempt from the KoLL requirement when they apply for ILR but not when they apply for Citizenship. This appears incongruous; to ask a soldier who might have served the country for 15 years to prove their knowledge of life in the UK or to suggest that they can't speak English to an acceptable level. Both tests add an additional cost of at approximately £200 to the cost of the application.
- 4.3. Recommendation - we urge the Home Office to exempt SPs from the KoLL requirement for Citizenship in recognition they have a proven track record of working in an environment where they demonstrate the requirements daily over many years.

## 5. Information Provision

- 5.1. Background - The MOD has been very slow at providing information to their F&C Serving Personnel, at recruitment level as well as later in the soldiers career. There has, until very recently, been a general attitude amongst the Chain of Command that the immigration status of soldiers and their families is their own responsibility and any immigration problems that arose was not for the CofC to sort out or to even assist with.
- 5.2. Issue - This attitude, and a lack of information provided to new recruits about their status and that of their families during service and on discharge, has significantly affected the morale and wellbeing of these soldiers and their families. Many soldiers have approached AFF, stating they had no idea they were unable to bring their family over under the minimum income threshold policy, or the cost of settling post service. Had they known many would not have signed up in the first place. Whilst there has been recognition of many of these problems amongst those responsible for F&C policy for several years, the procedures put into place to combat it have been woefully inadequate and the information provision to new recruits continues to be poor.

### 5.3. Recommendation -

- 5.3.1. MOD to publish a Joint Service Publication giving the three Services clear guidance as to how to manage their Foreign and Commonwealth Serving personnel and that it will do this in a timely manner, so that the new recruits coming through the system now will be provided with the information they need to make informed decisions about their future.
- 5.3.2. MOD to provide an online information training programme on immigration rules for new recruits from the Commonwealth to complete at the point of recruitment to make them aware, at the earliest opportunity, of the implications of the immigration rules on their ability to bring their families to the UK. This training programme should also inform new recruits that they cannot bring their family members to the UK on visit visas and then switch them on to the Armed Forces rules. rely on bringing family members to the UK to assist with childcare responsibilities owing to UK immigration rules.
- 5.3.3. MOD to ensure that that F&C Serving personnel can access information on visas throughout their career and that training is given to support staff within units to help ensure that information is of good quality and accessible.

## 6. Conclusion and recommendations

- 6.1. As long as we continue to recruit Foreign and Commonwealth personnel we have a duty to ensure that they and their families are treated fairly in accordance with the principles of the Armed Forces Covenant. Currently they are not.
- 6.2. The Home Office's response to our requests is often framed in the context that they do not feel that it would be fair for certain applicants benefits from free applications or reduced fees. However, precedent has surely been set with the decisions on Afghan Interpreters, the Windrush cohort and reduced fees given to EU migrants.

### 6.3. Recommendations:

#### 6.3.1. Home Office:

- 6.3.1.1. We strongly urge the Home Office to exempt F&C soldiers from the minimum income requirement.
- 6.3.1.2. We believe that the Home Office should instigate a flat fee for ILR for Armed Forces personnel, regardless of length of Service which would then prevent discrimination against those who have served for longer.
- 6.3.1.3. we urge the Home Office to exempt SPs from the KoLL requirement for Citizenship

#### 6.3.2. MOD

- 6.3.2.1. The MOD to facilitate a direct from source saving scheme to help soldiers and their families save for this considerable expense.
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