

Written evidence submitted by Reunite Families UK (COR0207)

Home Office Preparedness for Covid

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Acknowledgements

We would like to thank all the individuals and families who responded to the surveys for these studies. No identifying information for any individual or family has been shared.

Introduction

1. This study was created by **Reunite Families UK** in response to the Home Affairs Committee's call for evidence for its inquiry on Home Office preparedness for Covid-19, in particular the **Supplementary Call for Evidence** launched in January 2021. **Reunite Families UK** is a support and campaign group focusing on the impact of spousal visa rules on families.

2. **Reunite Families UK** previously submitted a report on the matter of Home Office preparedness in April 2020 (link: <https://committees.parliament.uk/writtenevidence/2312/default/>) which contained case studies and personal statements from those impacted at the start of the pandemic. Since that date, follow-up surveys have allowed data on the impact of the Covid lockdown on impacted families, and the Committee's call for further written evidence on *immigration and visas* provides an opportunity to supplement evidence already submitted.

Study: Coronavirus Impact – Summary Responses

3. This survey concerned itself specifically with families who had applied for a visa during the Covid-19 pandemic.

Has Covid19 affected your personal experience of the visa or immigration system?

Here those with direct experience of the spousal visa immigration system during the pandemic were asked to assess the impact of the process on aspects of their lives, with multiple answers allowed. The results are tabulated below:

'The experience has affected my mental health'	83%
'The experience has affected me financially'	61%
'The experience has affected my relationship with my partner'	67%
'The experience has affected my child(ren)'	28%
'The experience has affected my other close relationships'	28%

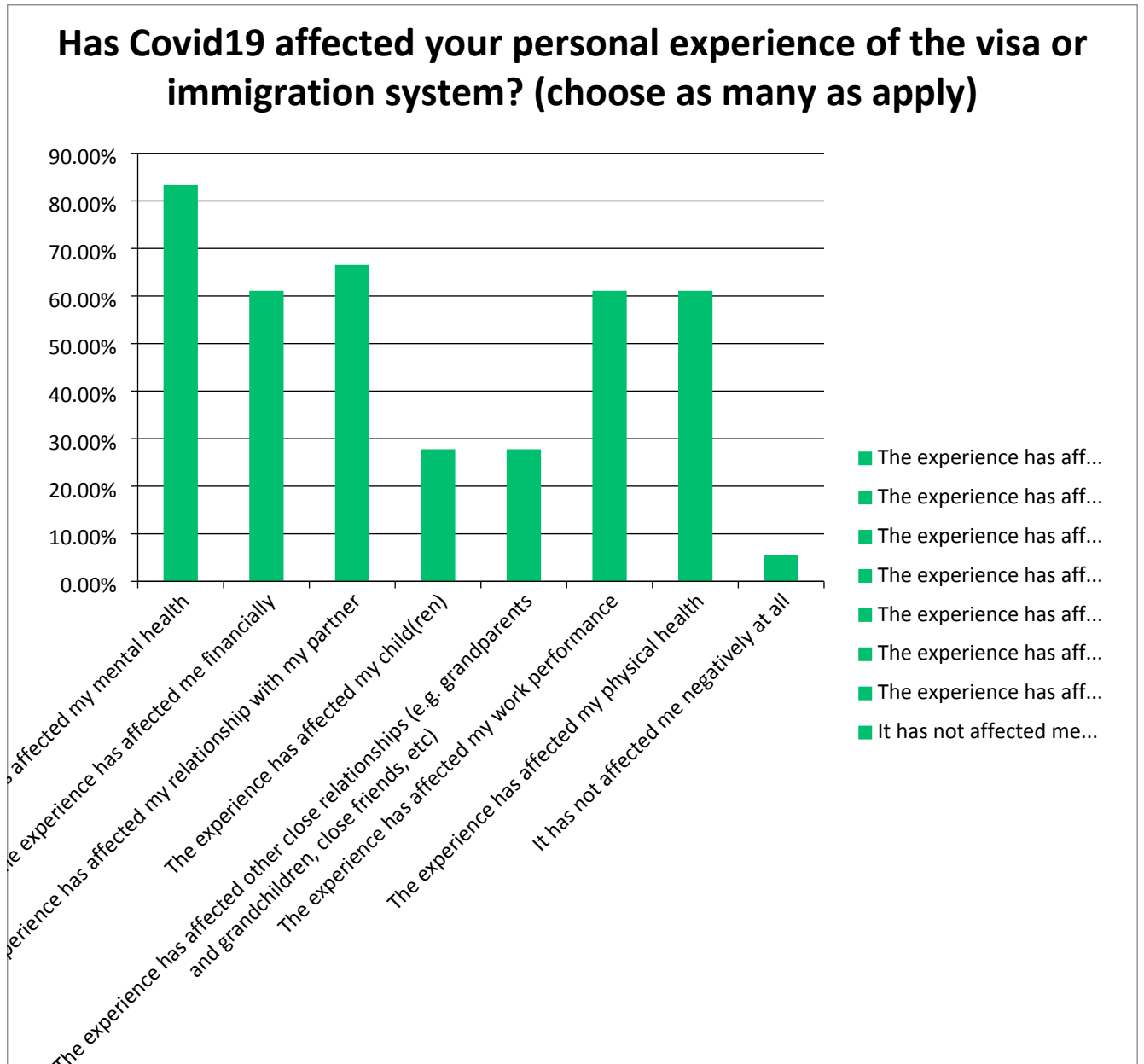
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(e.g. grandparents and grandchildren, close friends etc)

'The experience has affected my work performance' 61%

'The experience has affected my physical health' 61%

'It has not affected me negatively at all' 6%



4. It can be seen that the impact of the process on the mental health of those going through it during the time of Covid is dramatic. There is also an impact on the physical and financial health and relationships of these people, as well as work performance.

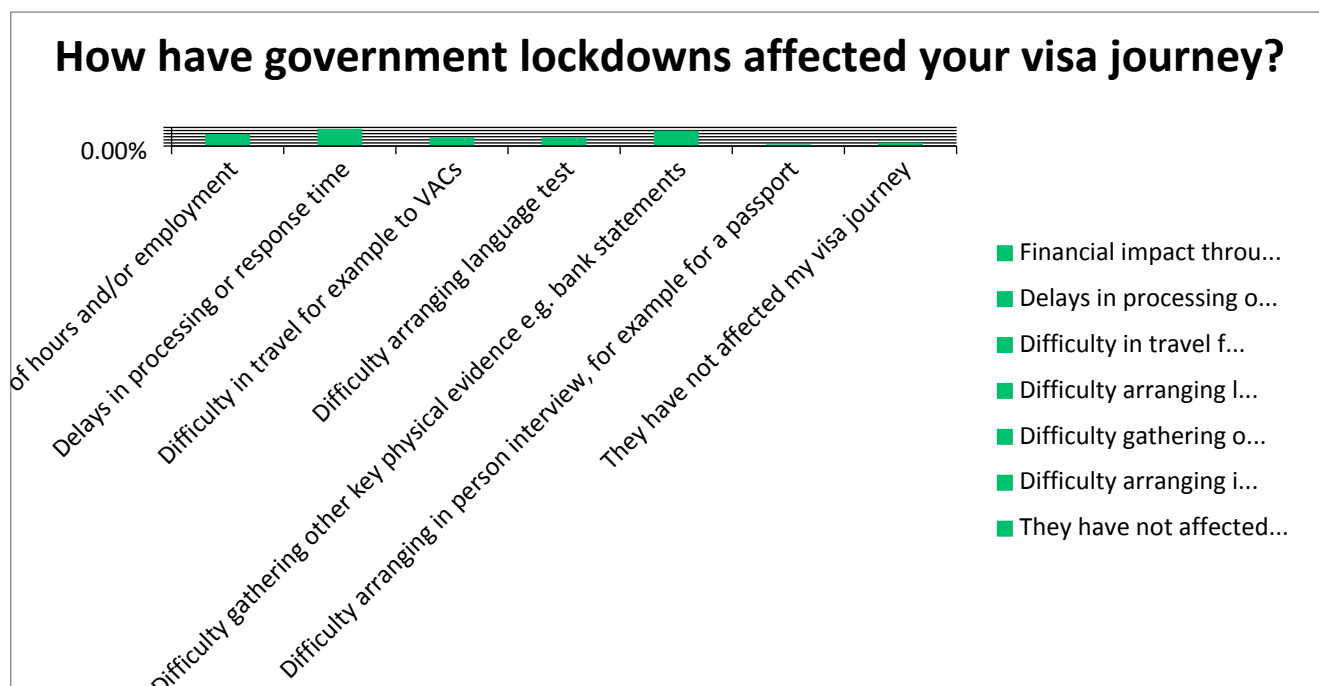
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5. The health impact of the immigration process on British families during the pandemic can be seen to be almost entirely negative, with a negative economic impact also implied (for example, when assessing the work performance of these individuals).

How have government lockdowns affected your visa journey?

Here those with experience of the spousal visa immigration system were asked to assess how the pandemic-related lockdowns affected different aspects of their visa process. Results are tabulated below:

'Financial impact through loss of hours and/or employment'	39%
'Delays in processing or response time'	56%
'Difficulty in travel for example to VACs'	28%
'Difficulty arranging language test'	28%
'Difficulty gathering other key physical evidence'	50%
'Difficult arranging in person interview, e.g. for a passport'	6%
'They have not affected my visa journey'	11%



6. It can be seen that the lockdowns have had an almost exclusively negative impact on people's experience of the visa system. 50% or more of respondents in particular reported perceived delays in processing or response time as well as gathering physical evidence as being areas of particular concern.

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How would you rank your experience of the immigration system during Covid19?

Respondents were asked to assess their experience of the system on a 5-point scale. Results are tabulated below:

Terrible:	44%
Poor:	17%
OK:	33%
Good:	0%
Great:	0%

7. Not a single respondent reported an experience better than 'OK', with the largest group of respondents going for the most negative assessment. This should not come as a surprise given the documented delays as above, as well as the impact of the system upon people's lives and health. Clearly there are lessons to be learned here.

Study: Coronavirus Impact – Some Specific Focus Areas

Delays updating the 'Covid concession'

8. While we acknowledge the Home Office's 'Covid concession' which provided for temporary loss of income and employment (

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939926/appendix-fm-1-7-financial-requirement-v5.0.pdf - page 71), it should be noted that initially this concession ended on January 1 2021.

9. On January 27 2021 (as evidenced in the '*Last updated date stamp here:*'

<https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents>), the Home Office finally updated the guidance – '*If you've experienced a loss of income due to coronavirus up to 31 May 2021, we will consider employment income for the period immediately before the loss of income, provided the minimum income requirement was met for at least 6 months immediately before the date the income was lost.*'

10. This was nearly *four weeks* after the initial guidance expired, which created a confused and anxious picture for those with renewals at or close to this date, with no updates from the Home Office during this period. Given we were at this point over nine months into the pandemic, this is a quite extraordinary delay to pass without comment.

Impact of 'no recourse to public funds' (NRPF) condition: case studies

11. The negative impact of the No Recourse to Public Funds condition has been roundly criticised in the past. As documented by Joint Council for the Welfare of Immigrants (JCWI) during the early stages of the pandemic in 2020 (link: <https://www.jcwi.org.uk/our-joint-letter-to-the-prime-minister-its-time-to-scrap-nrpf>), it pushes families into abject poverty. NRPF was also the subject of a Westminster Hall debate in October 2020 (link: <https://www.jcwi.org.uk/westminster-hall-debate-nrpf>).

12. The JCWI analysis gives the example of 'Peter', an overground worker who is forced to work during the pandemic despite medical advice to shield. Reports from many of our members echo this experience. Reunite Families UK's previous submission (link: <https://committees.parliament.uk/writtenevidence/2312/default/>) mentioned this very issue: '*Families are being plunged into poverty and the No Recourse to Public Funds is causing more hardship. Could this be lifted for this period of time without changing the route to ILR from 5 years to 10 years? I realise this may be more for DWP but wanted to raise it.*'

13. Case studies from the same report echo this experience. Some examples:

'I wanted to tell you about the vital role my husband is giving as a key worker. He is a repair technician and his role involves repairing tools used for ambulance maintenance etc. He puts his health and that of his family's at risk every day. Although my husband is a non eu on a spouse visa, he is helping this country as it is now his country and is so proud to do so.'

'I work in a home for people with learning difficulties and my wife is here on a spouse visa and a volunteer on a farm for people with learning difficulties. What happens to us if one of us falls sick or worse? '

'I'm a key worker and wouldn't be able to be without my husband, the Visa holder to look after our 3 kids.'

'My husband is here on FLR. He is self employed as a builder and hasnt been able to work due to Covid 19 situation for the last month. Social distancing and not being able to buy materials has had a massive impact. I have lost my job also and we have claimed Universal Credit. We have just been told that my husband is not entitled to anything as not allowed public funds. I am sure this will be the same when it comes to self employed grants. He has paid tax and insurance since he came here 3 years ago, how is this fair? Not sure how we will cope financially in this situation we are all facing.'

'British husband has lost his job due to School Closures. What happens to us now?'

14. In particular, the threat of redundancy hangs over those with NRPF who are disproportionately likely to work in sectors worst affected by the economic crisis (such as hospitality) or to be key workers (in schools, hospitals, or other vital sectors) and these crucial sectors need much better support.

15. The lived experience also echoes the findings of the Citizens Advice Bureaux in 2020 (link: <https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/welfare-policy-research-surveys-and-consultation-responses/welfare-policy-research/nowhere-to-turn-how-immigration-rules-are-preventing-people-from-getting-support-during-the-coronavirus-pandemic/>). *'Benefits restrictions and minimum income requirements have forced many migrants - and their family members - to continue working when it has been unsafe for them to do so. As lockdown restrictions ease, many more will face the same dilemma.'*

16. The issue has come up repeatedly in our own work and the situations of our members. We echo the calls of JCWI and CAB that the NRPF decision should be immediately suspended and wish to remind the Committee that the Prime Minister promised to review NRPF in 2020.

17. The simple fact is that the ideologically blinkered maintenance of NRPF has contributed to the spread of the pandemic by forcing people into unsafe conditions and therefore spreading the virus in workplaces and families.

The simple fact is that ‘no recourse to public funds is a public health threat’ and should be suspended immediately.

Apparent ignorance of NRPF from senior policy-makers, including the Prime Minister

18. The Prime Minister promised in 2020 to review the NRPF condition, saying: *"People who've worked hard for this country who live and work here should have support of one kind or another"*. However in January 2021, he appeared to be unaware that migrants living lawfully in the UK, which would include all those in the UK on a spousal visa, would have the NRPF condition attached to their visa and therefore to be unable to access any form of state benefit (link: <https://www.independent.co.uk/news/uk/home-news/boris-johnson-nrpf-migrant-b1787219.html>).

19. The Prime Minister stated this decision was one which applied to people who are in the country illegally. This is factually untrue and suggest a level of ignorance of government policy which one should not expect from a backbench MP, let alone the Prime Minister. The Prime Minister should correct his understanding, retract his false statement, and follow up with his previous promise to review the policy, in the light of the evidence that NRPF is contributing to the pandemic.

Home Office data show a dramatic slowdown in processing during Q2 2020

20. The Home Office's own figures (accessible via <https://www.gov.uk/government/statistical-data-sets/managed-migration-datasets#entry-clearance-visas-granted-outside-the-uk> , tab Data – Vis_D02) show a dramatic drop off in visa processing during the most intense months of the pandemic. If we filter the processing results for family (partner) visas for 5 nations for the 4 quarters leading up to the pandemic, a dramatic picture emerges:

2019	2019 Q3	Indonesia	Family: Partner	Issued	59
2019	2019 Q3	Indonesia	Family: Partner	Refused	11
2019	2019 Q3	Indonesia	Family: Partner	Withdrawn	1
2019	2019 Q4	Indonesia	Family: Partner	Issued	57
2019	2019 Q4	Indonesia	Family: Partner	Refused	3
2020	2020 Q1	Indonesia	Family: Partner	Issued	34
2020	2020 Q1	Indonesia	Family: Partner	Refused	6
2020	2020 Q2	Indonesia	Family: Partner	Issued	3
2020	2020 Q2	Indonesia	Family: Partner	Refused	1

2019	2019 Q3	Turkey	Family: Partner	Issued	232
2019	2019 Q3	Turkey	Family: Partner	Refused	35
2019	2019 Q3	Turkey	Family: Partner	Withdrawn	2
2019	2019 Q4	Turkey	Family: Partner	Issued	274
2019	2019 Q4	Turkey	Family: Partner	Refused	27
2020	2020 Q1	Turkey	Family: Partner	Issued	207

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2020	2020 Q1	Turkey	Family: Partner	Refused	11
2020	2020 Q1	Turkey	Family: Partner	Withdrawn	2
2020	2020 Q2	Turkey	Family: Partner	Issued	49
2020	2020 Q2	Turkey	Family: Partner	Withdrawn	1

2019	2019 Q3	USA	Family: Partner	Issued	672
2019	2019 Q3	USA	Family: Partner	Refused	78
2019	2019 Q3	USA	Family: Partner	Withdrawn	6
2019	2019 Q4	USA	Family: Partner	Issued	730
2019	2019 Q4	USA	Family: Partner	Refused	60
2019	2019 Q4	USA	Family: Partner	Withdrawn	3
2020	2020 Q1	USA	Family: Partner	Issued	602
2020	2020 Q1	USA	Family: Partner	Refused	32
2020	2020 Q1	USA	Family: Partner	Withdrawn	3
2020	2020 Q2	USA	Family: Partner	Issued	13

2019	2019 Q3	Japan	Family: Partner	Issued	76
2019	2019 Q3	Japan	Family: Partner	Refused	10
2019	2019 Q3	Japan	Family: Partner	Withdrawn	1
2019	2019 Q4	Japan	Family: Partner	Issued	68
2019	2019 Q4	Japan	Family: Partner	Refused	4
2019	2019 Q4	Japan	Family: Partner	Withdrawn	1
2020	2020 Q1	Japan	Family: Partner	Issued	61
2020	2020 Q1	Japan	Family: Partner	Refused	5
2020	2020 Q2	Japan	Family: Partner	Issued	9
2020	2020 Q2	Japan	Family: Partner	Refused	1

2019	2019 Q3	Nigeria	Family: Partner	Issued	358
2019	2019 Q3	Nigeria	Family: Partner	Refused	74
2019	2019 Q3	Nigeria	Family: Partner	Withdrawn	2
2019	2019 Q4	Nigeria	Family: Partner	Issued	381
2019	2019 Q4	Nigeria	Family: Partner	Refused	97
2019	2019 Q4	Nigeria	Family: Partner	Withdrawn	1
2020	2020 Q1	Nigeria	Family: Partner	Issued	392
2020	2020 Q1	Nigeria	Family: Partner	Refused	65
2020	2020 Q2	Nigeria	Family: Partner	Issued	8
2020	2020 Q2	Nigeria	Family: Partner	Refused	1

21. The drop-off is clear, and needs little explanation. Between Q1 and Q2 2020, according to the Home Office's own figures, Indonesia saw a 90% drop in processing partner(visa) applications, Turkey saw a 77% drop in processing these applications, Japan saw an 85% drop. During the same period, the USA and Nigeria saw incredible drops of 97% and 98% in processing partner visas, respectively.

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22. These five nations are representative (we chose Indonesia, Turkey, and the USA as the three most common nations among our sample and added Japan and Nigeria to enhance the geographical and cultural range) – but we see similar proportional drops for all nations during the pandemic via the Home Office’s own datasets. It is not unreasonable to attribute these to additional Home Office delays, which were also self-reported on the online groups polled for respondents.

23. We should concede here in mitigation that figures available for Q3 2020 show a recovery to more normal levels of processing. We eagerly await the figures for Q4 2020 and Q1 2021 to see whether processing efficiency was maintained during these quarters or whether a further drop-off was again experienced.

Issues with gathering physical evidence with little flexibility

24. We also see a large proportion of people reporting issues with gathering physical evidence. For example, the Family Migration rules for financial evidence (accessible here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934644/appendix-fm-1-7-financial-requirement-v4.0-gov-uk.pdf) require that *‘Bank statements must be on official bank stationery. Alternatively, electronic bank statements can also be accepted for all bank accounts (the account itself does not have to be exclusively online) as long as they are either accompanied by a letter from the bank on its headed stationery confirming that the documents are authentic or which bear the official stamp of the issuing bank on every page. ’*

25. This is, to say the least, not an easy request to fulfil during a global pandemic and lockdown and we would request that this be updated to reflect 21st century practices.

Confusion over language test requirements

26. Respondents reported difficulty with for example getting evidence for language tests, with local VACs in some cases giving conflicting and contradictory advice as to whether such tests were required during the pandemic, or as reported by the Home Office Minister (see: <https://www.theyworkforyou.com/wrans/?id=2020-10-07.100424.h>) that exemptions were in place.

27. Via a Freedom of Information request (see: https://www.whatdotheyknow.com/request/question_about_exemptions_to_lan) we have received the response that for the sample month of August 2020, the number of exemptions to the English language requirement for overseas entry clearance visas was (rounded to the nearest 5) - zero (see: <https://www.whatdotheyknow.com/request/698360/response/1693872/attach/html/5/FOI%20Response%2061117%20S%20Green%20V1.0.pdf.html>).

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28. This Freedom of Information request result appears on the face of it to contradict the Minister's assertion linked above that *'those applying to enter the UK ... on the basis of family or private life can apply for an exemption if the test centre was closed or if they were unable to travel due to Covid-19.'* The lived experience of our members indeed is that such exemptions were not in practice available which created extra stress and expense as advice from VACs was contradictory and confusing, and led members to believe that it was possible to apply without the exemption. The messaging was to say the least unclear.

29. All of the above builds a picture of a somewhat confused response which added to delays to individuals and consequent impacts on their lives and health.

Study: Coronavirus Impact – Individual Responses

30. As well as looking at quantitative responses, during the survey we asked our respondents to describe their experienced individually via a series of questions. A selection is below.

Respondents were asked to describe how Covid-19 and associated lockdowns affected their visa journey

'Application was delayed 4months as IELTS was unavailable. Also wanted to use priority option but no longer available.'

'My application was delayed until August because TLS centre in Serbia opened in July and is working only 2 days a week.'

'Delays. Received email from Home Office that due do pandemic, processing times are longer.'

'Waiting for a decision since 7 months now.'

'Our case must be heard in person due to the complex nature of the case. The courts being closed since March means that proceedings have not continued.'

Respondents were asked to comment on how their experience of the process impacted their health

'The ongoing stress & lack of a 2nd income & my income being cut due to less hours are affecting me physically and emotionally.'

'My son (18) told me that he would look after his sister (12) if my visa is denied.'

'I have suffered from severe anxiety and more recently depression. This is a result of a lack of support this past year whilst I undertook teacher training as a single parent due to immigration rules prevent our family from being reunited.'

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'If we don't sort this visa we will have to separate because our mental health is very bad. We can't Skype anymore it's not a life.'

'My husband has NRPF and was one of the many who were not entitled to self-employment scheme, meaning when lockdown happened, he had no income and had to rely on mine.'

'I've moved from South Africa to London to start a new job and have been completely alone here for 8 months due to Covid visa delays. Its been the most difficult time for me and family.'

Finally, respondents were asked to for any additional comments on the system

'I am near destitute and depend on the visa being approved, to have the right to work and provide for my two British children.'

'It is a miserable, degrading, anxiety inducing system. My fiancé is a doctor with the NHS and I did my Master's degree in Law in Scotland and it has been very difficult for us.'

'Disgusting regardless of pandemic or not.'

'Don't think the Government quite realizes the huge emotional toll this visa process takes on applicants at the best of times let alone during COVID-19. I am a British citizen and I am about ready to give up on living in the UK so that I can be with my partner. I've had a comparatively easy situation to many others as I meet the MIR and no kids involved so I can only imagine the suffering and despair of others.'

'We paid the extortion visa fee on the day of application in advance. No response, no service from HO for such an expensive product (visa, almost £ 3000).'

'As I mentioned earlier, we were coming to the end of a year long journey after applying for an EEA family permit in March 2019. After our refusal in August, we immediately applied for an appeal and due to the complex nature of our case, this was granted and it was agreed it must be heard in person. We have now been stuck since March with no rescheduling of our hearing so are enduring further waiting which results in hardship for myself, my partner and our daughter.'

'Can't complete requirements to apply. Offices are closed down. '

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'I've emailed them to allow me to attend funeral of my husband's half-sister and they never responded to me. Funeral has passed. 😞'

'I just hoped they were more accommodating to vulnerable people who needed to be together through this hard time.'

'We managed to get our further leave to remain in JUST before lockdown and were very nervous about what would happen. We did however get a positive response in about a month I think it was.'

'Too expensive for poor service.'

Summary, Conclusions and Recommendations

31. The overwhelmingly negative responses from Home Office service users during the time of Covid should be a 'lesson learned' both from COVID-19 and for the immigration system in general. We also note that such delays have a significant human impact, in the form of mental health, and due consideration for wellbeing of British people, their overseas partners, and children should be given here.

32. We would like to make the following recommendations that could have alleviated the impact:

i/ Consideration and support for health and wellbeing – both adults and children.

The spousal visa process should be streamlined both because of lengthy delays and the well-documented impact on the mental and physical health of those going through the system.

The impacts on health were already hinted at in the APPG Migration's 2013 report and the Children's Commissioner's 2015 report, as well as online blogs documenting the stories and visa journeys of those impacted (for example, 'Love Letters to the Home Office', the BritCits blog, and the Family Immigration Alliance, all of which are referenced in the bibliography). This was further supported by Reunite Families UK's and Bristol University's 2020 'Kept Apart' e-book and project. A more detailed study is needed here.

Consideration should be given for specialist support for those going through the process, given the extreme trauma and stress created by the visa process, on both adults and children.

In particular, it is too early to truly assess the long-term psychological impact on children. Whilst the study reports that if anything children in these situations may show greater resilience than adults, long-term hidden damage may be present and should be the subject of long-term specialist tracking and investigation. A child-centred approach would be in line with the Children's Commissioner's report in 2015.

ii/ Economic considerations: costs vs move to customer-focused model.

These surveys suggest that the economic impact is largely negative (supporting Middlesex University's 2013 findings), with family separation adding a stress factor to people's lives (affecting work performance and in some cases extreme visa costs leading to practical destitution) and also forcing British people into single parenthood and onto benefits. A more detailed study of the economic impact of the MIR is needed here.

Visa costs have spiralled since 2012. These high costs (of around £9000 or more currently for the 5-year spouse visa process, higher for the 10-year and fiancé visa processes) should come with a premium service to match.

The choice seems to be between improving customer service or reducing costs. That nearly half our respondents marked their experience with the Home Office as 'terrible' shows that considerable work needs to be done on customer care here. If on the other hand customer service cannot be improved to premium service level, then ways of reducing costs for applicants and sponsors should be considered, in line with the Children's Commissioner's recommendations in her 2015 report.

iii/ Streamlining and physical evidence/move to online evidence.

Lengthy delays – with an average family separation time ranging from 3 months to 3 years - have an impact on people's health, with distress reported as key life events (such as family weddings or funerals, or the opportunity for respondents to start families of their own) are missed whilst 'in limbo', and we recommend that ways are investigated to streamline the process further.

In particular, people reported delays due to the need to gather physical evidence (such as bank statements, on paper or stamped – a service many bank branches no longer provide). The evidential requirements should move to match with the online world and indeed banks' own working practices.

Contradictory and conflicting advice also appears to have been given in some cases for example with language tests. This should be looked at as a way of streamlining the process further. We would in particular call for more flexibility around these evidentiary requirements.

iv/ COVID-19 flexibility and public health/lifting NRPF and MIR.

The pandemic has created a public health crisis unprecedented in living memory.

It is our assertion that the No Recourse to Public Funds requirement has in fact contributed to the risks of this public crisis through pushing those already financially stressed to the brink of destitution. NRPF should be immediately lifted, as called for by the JCWI, CAB, and numerous contributors to the October 2020 Westminster Hall debate (<https://hansard.parliament.uk/commons/2020-10-08/debates/25e15409-af95-4342-92ab-1a053070314d/WestminsterHall>).

We also believe that, due to the very special nature of this crisis, due consideration should be given to at least temporarily lifting the Minimum Income Requirement, for numerous reasons including:

- the now-documented impact of the MIR rules, from multiple sources, on the health of affected families and their relationships across generations;

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- to lift the negative economic impacts of the MIR, required during an economically fragile period;
- to somewhat compensate for the documented response and performance issues during the pandemic;
- and above all the need for a more compassionate Home Office.

Given the nature of the crisis, we would also like to request further consideration for allowing visitors to switch to spousal visas in country. We also welcome the earnings flexibility (the 'COVID-19 concession' mentioned on page 69 of the Home Office financial guidelines

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934644/appendix-fm-1-7-financial-requirement-v4.0-gov-uk.pdf) shown by the Home Office so far.

v/ The compassionate Home Office.

The Home Secretary has called for a more compassionate Home Office and associated culture shift. This year, the Public Accounts Committee itself reported that 'the Home Office has no idea of the impact of immigration policies' (<https://committees.parliament.uk/committee/127/public-accounts-committee/news/119248/home-office-has-no-idea-of-the-impact-of-immigration-policies/>).

We are calling for a cultural shift, with public service providers such as the Home Office being made more accountable for the impact of its decisions on real human beings (including British citizens and taxpayers, and their families) and being made to appreciate that a premium service is being paid for and should be provided.

Our families are trying to do the right thing here, and coupled with the high psychological and financial costs of the process, we believe they should be treated with compassion and sympathy.

February 2021