



Equality Impact Assessment [EIA]

1. Name and outline of policy proposal, guidance, or operational activity

Title: Increase of the Minimum Income Requirement

This EIA is an updated version of the one completed on 15 December 2023 which assessed three different options for implementing the increase to the Minimum Income Requirement (MIR) for those applying as a partner or child under Appendix FM of the Immigration Rules. It is a living document and has been updated to take account of additional information sources and to focus on the option laid before the Parliament in changes to the Immigration rules in March 2024 due to commence in April 2024. It will be updated again before any further increases are implemented.

The MIR was introduced in July 2012 under Appendix FM, following advice from the Migration Advisory Committee (MAC), reflecting the income at which a British family generally ceased to be able to access income-related benefits. It was introduced to ensure family migrants are supported at a reasonable level, do not become a burden on the taxpayer and can participate sufficiently in everyday life to facilitate their integration into British society.

Those who choose to establish their family life in the UK by sponsoring a non-UK or non-Irish partner to settle here should have sufficient financial independence to be able to support themselves and their partner without relying on public funds and well enough to facilitate the migrant partner's participation and integration in British society.

The threshold applies to fiancé(e)s, proposed civil partners, spouses, civil partners, unmarried partners, and relevant dependent children applying to enter, remain or settle in the UK.

The current levels (£18,600 for a partner, spouse or parent, £3,800 for the first relevant child and £2,400 for each additional child) have not increased since 2012.

The increase to the MIR will ensure that migration policy is supportive of the wider ambition for the UK to be a high-wage, high-productivity, high-skill economy. It will ensure that families will make a net positive impact on the economy, as well as contributing to the government target of lowering net migration.

The level was originally set to reflect the income at which a British person generally ceases to become eligible for work related benefits. Due to changes in the benefits system, the methodology used by the MAC at that time can no longer be used. The system which was adopted used information and benchmarks from the benefits system in place at the time. Following the Welfare Reform Act 2012 universal credit was introduced, and the data and benchmarks used by the MAC are now no longer available.

Tethering the MIR to the salary threshold shifts the rationale for the MIR from one that was related only to ensuring that families would not need to have recourse to welfare and had sufficient resources to participate in British life (which the Home Office was able to successfully defend at the Supreme Court (*MM (Lebanon) v SSHD* [2017] UKSC 10), to a wider rationale where other factors are taken into consideration.

As the MIR rise is now linked to the salary threshold, any interference to a person's rights under Article 8(1) ECHR can be argued as being necessary for the economic well-being of the country (Article 8(2)).

From 11 April 2024, the MIR under Appendix FM will increase to £29,000, to align to the 25th percentile of earnings for jobs which are eligible for skilled worker visas.

The ongoing policy intention under Appendix FM is to incrementally increase the threshold, moving to the 40th percentile (currently £34,500), and finally to the 50th percentile (currently £38,700, and the level at which the general skilled worker threshold is set) by early 2025.

Increasing the level in managed incremental rises means that those affected have some notice of the intended changes and can plan effectively for them, helping to mitigate some of the impacts that the policy may have, both directly and indirectly on those who hold protected characteristics.

Those unable to meet the increased MIR may still be granted leave where to deny entry, permission to stay, or settlement would result in unjustifiably harsh consequences for the applicant or their family which would lead to a breach of their Article 8 rights under the European Convention on Human Rights ("ECHR"). In such cases, migrants will be placed on a longer route to settlement – 10 years (granted in four tranches of 30-month periods, with a fifth application being for settlement).

Transitional arrangements are being introduced so that those who apply before 11 April 2024 or who already hold entry clearance or permission as a fiancé(e), proposed civil partner or within the five-year partner route before the new MIR comes into force, will remain subject to the current MIR (£18,600 plus the child component, where relevant). This will remain the case when they make subsequent in-time applications for permission to stay or settlement within the five-year partner route, where they continue to apply to remain with the same partner. Those applying to start a route, or to stay with a different partner on the partner route will be required to meet the MIR in place at the date of application.

The policy intention is that those who apply after 11 April 2024 and must meet the increased MIR of £29,000 will be required to meet the same threshold through to settlement.

These arrangements are intended to provide certainty for those already within the immigration system and potential future applicants.

Policy aims

To ensure that those who choose to establish their family life in the UK must be financially independent from the benefits system and provide a net positive contribution to the UK.

2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty.

The following information was considered when assessing the equality impact of the policy change.

- House of Commons Library Research Briefing: Average earnings by age and region ¹
- Annual Survey of Hours and Earnings²
- Office for National Statistics (ONS) Table 9: Economic activity of people aged 16 to 64 by disability status and country ³
- ONS Ethnicity pay gaps: 2019 ⁴
- ONS Religion, education and work in England and Wales: February 2020 ⁵
- ONS Gender pay gap in the UK: 2022 ⁶
- ONS Marriages in England and Wales: 2020 ⁷
- ONS Table 4b: Sexual Identity by NS-SEC (National Statistics Socio-Economic Classification) (National Statistics Socio-Economic Classification), United Kingdom, 2014 to 2020 ⁸
- The Minimum Income Requirement for Non-EEA Family Members in the UK, Migration Observatory, 27 January 2016⁹
- Love is Not all you Need: Income Requirement for Visa Sponsorship of Foreign Family Members, Journal of Economics, Race and Policy, 16 October 2018¹⁰
- Justice and Home Affairs Committee All Families Matter: An inquiry into family migration.¹¹
- Reunite Families UK: Family Migration Rules: Spouse / Partner Migration Rules: Examining the mental health impact of the rules on children and families. Tamsin Koumis December 2023¹²

¹ [Average earnings by age and region - House of Commons Library \(parliament.uk\)](https://www.parliament.uk/research-briefings/crossed/index.html?id=1152)

² [Annual Survey of Hours and Earnings \(ASHE\) - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/earningsandproductivity/annualsurveyofhoursandearnings)

³ [Disability and employment - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/employmentandemployeetypes/disabilityandemployment)

⁴ [Ethnicity pay gaps - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/employmentandemployeetypes/ethnicitypaygaps)

⁵ [Religion, education and work in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/employmentandemployeetypes/religioneducationandworkinenglandandwales)

⁶ [Gender pay gap in the UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/employmentandemployeetypes/genderpaygap)

⁷ [Marriages in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/employmentandemployeetypes/marriagesinenglandandwales)

⁸ [Sexual orientation, UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/employmentandemployeetypes/sexualorientation)

⁹ [The Minimum Income Requirement for Non-EEA Family Members in the UK - Migration Observatory - The Migration Observatory \(ox.ac.uk\)](https://www.migrationobservatory.ox.ac.uk/publications/the-minimum-income-requirement-for-non-eea-family-members-in-the-uk)

¹⁰ [Love Is Not all you Need: Income Requirement for Visa Sponsorship of Foreign Family Members | Journal of Economics, Race, and Policy \(springer.com\)](https://www.springer.com/journal/11222/issue/1)

¹¹ [House of Lords - All families matter: An inquiry into family migration - Justice and Home Affairs Committee \(parliament.uk\)](https://www.parliament.uk/research-briefings/crossed/index.html?id=1152)

¹² [Harsh UK visa rules already causing mental health crisis for separated families even before latest increase – Reunite Families UK](https://www.reunitefamiliesuk.org/)

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Equality Act.

Age

Direct Discrimination

This policy change will maintain the elements of direct discrimination on the basis of age currently within the Immigration Rules. Part 4 of Schedule 3 Equality Act 2010 permits discrimination in relation to age if it is authorised in legislation, including the Immigration Rules. Further, in accordance with section 13(2) of the Equality Act 2010, it is not unlawful to discriminate on the basis of age if it is a proportionate means of achieving a legitimate aim. UK based sponsors aged over 18 will be required to provide evidence that they meet the increased MIR. Those under 18 will not be required to meet the MIR as they are not able to apply under the partner route or act as a sponsor. This is in-line with UK law which requires both parties to be over 18 for them to be able to marry and so protects vulnerable children from the damaging impact of forced marriage.

Indirect Discrimination

Increasing the MIR to £29,000 may also represent indirect discrimination on the basis of age because those who are older are more likely to earn enough to meet the higher threshold. At the initial threshold of £29,000 based on Annual Survey of Hours and Earnings (ASHE) data reporting earnings by age, 50-60% of the total UK working population would meet the MIR threshold.

Those estimated to be eligible to meet the MIR threshold, based on 2023 ASHE data reporting earnings by age group:

18-21:	<10%
22-29:	40 – 50%
30-39:	50 – 60 %
40-49:	60 – 70%
50-59:	50 – 60%
60+:	30 – 40%

As people get older, gain more experience, and possibly rise in work, they can earn more money, however that can vary considerably by socioeconomic group. The MIR can also be met through savings, and savings tend to increase as people get older, however that can vary considerably by socio-economic group. Overall, this option is likely to have indirect negative impacts on younger people.

However, we consider these negative impacts are mitigated as far as possible, and that any remaining impacts are a proportionate means of achieving a legitimate aim and therefore do not result in any unlawful indirect discrimination. This is because the aim is to ensure that those who seek to establish their

family life in the UK provide a net positive contribution to the UK and are not a burden on the taxpayer. Additionally, those unable to meet the increased MIR will still be granted leave where to deny entry, or permission for further stay, would breach their and/or their family's Article 8 rights. Therefore, these impacts do not result in any unlawful indirect discrimination.

Disability

Direct Discrimination

We have not identified any direct discrimination linked to the protected characteristic of disability resulting from the increase to the MIR.

Indirect Discrimination

The increase to the MIR may result in indirect negative impacts on people with the protected characteristic of disability. However, we consider these impacts are mitigated as far as possible, and that any remaining impacts are a legitimate means of achieving a legitimate aim and do not therefore result in any unlawful indirect discrimination. Introducing the increase to the MIR in a staged manner will help to further mitigate these impacts as fewer people are adversely impacted by the increases.

Disabled people may experience indirect negative impacts because it is more likely that those who are disabled may not meet the increased MIR threshold. The ONS dataset Disability and employment published on 10 February 2022, in particular "Table 9: Economic activity of people aged 16 to 64 by disability status and country", sets out that in all four nations of the UK those with a disability are less likely to be employed and more likely to be economically inactive. This means it is more likely that those who are disabled may not meet the increased MIR threshold. In 2021 the government published a disability strategy¹³ which set out several ways which those who are living with a disability can have greater access to work or more support to get into work.

The increase to the MIR is considered a proportionate means of achieving the legitimate aim of ensuring that those who seek to choose to establish their family life in the UK provide a net positive contribution to the UK and are not a burden on the taxpayer.

There are mitigations in place which will reduce the risk of indirect negative impacts on disabled people: there is provision for those who receive several benefits¹⁴ to meet the different "adequate maintenance test." This calculates income, subtracts outgoings and if the remainder is more than the level of what a UK citizen would receive under income support then they are assessed to have met this test.

¹³ [National Disability Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-disability-strategy)

¹⁴ Carer's Allowance, Disability Living Allowance, Severe Disablement Allowance, Industrial Injuries Disablement Benefit, Attendance Allowance, Personal Independence Payment, Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme, Constant Attendance Allowance, Mobility Supplement or War Disablement, Pension under the War Pensions Scheme, Police Injury Pension

Those unable to meet the increased MIR or adequate maintenance test will still be granted leave where to deny entry, or permission for further stay, would breach their and/or their family's Article 8 rights.

Gender Reassignment

Direct Discrimination

We have not identified any direct discrimination linked to the protected characteristic of gender reassignment resulting from the increase to the MIR.

Indirect Discrimination

We have not identified any indirect discrimination linked to the protected characteristic of gender reassignment for the increase of the MIR. The ONS have stated that this is a new area and limited data is available for any aspect of those who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. The ONS is seeking to improve data in this area. The Home Office does not collect data from applicants on this protected characteristic.

Marriage and Civil Partnership

Direct Discrimination

We have not identified any direct discrimination linked to the protected characteristic of Marriage and Civil Partnership resulting from the increase to the MIR.

Indirect Discrimination

Although the increased MIR will affect someone who is married or in a civil partnership living in the UK as a family, this is not limited to those who share that protected characteristic. It also applies to couples who are not married, or in a civil partnership, and non-British or settled children coming to the UK with a parent.

Furthermore, the policy does not preclude people from marrying or forming a civil partnership and living in another country.

We have therefore not identified any indirect discrimination linked to the protected characteristic of Marriage and Civil Partnership resulting from the increase to the MIR.

Pregnancy and Maternity

Direct Discrimination

We have not identified any direct discrimination linked to the protected characteristic of pregnancy and maternity resulting from the increase to the MIR.

Indirect Discrimination

The increase to the MIR may result in indirect negative impacts on people with the protected characteristic of Pregnancy and Maternity. However, we consider these impacts are mitigated as far as possible, and that any remaining impacts are a legitimate means of achieving a legitimate aim and do not therefore result in any unlawful indirect discrimination.

Those who are pregnant or have recently given birth may face a reduction in their income due to maternity leave. There may therefore be impacts upon a person's pay and their ability to meet the increased MIR. There is flexibility in the assessment, allowing income to be assessed before maternity leave began.

Those unable to meet the increased MIR will still be granted leave where to deny entry, or permission for further stay, would breach their and/or their family's Article 8 rights.

The increase to the MIR is considered a proportionate means of achieving the legitimate aim of ensuring that those who seek to establish their family life in the UK provide a net positive contribution to the UK and are not a burden on the taxpayer.

Race (including ethnic or national origins, colour, or nationality)

Direct Discrimination

We have not identified any direct discrimination linked to nationality, ethnicity, colour, or national origins (race) resulting from the increase to the MIR.

Indirect Discrimination

The increase to the MIR may result in indirect negative impacts on people with the protected characteristic of race. However, we consider these impacts are mitigated as far as possible as we will continue to grant leave where to do otherwise would breach the Article 8 rights of the applicant or their family. Any remaining impacts are a legitimate means of achieving a legitimate aim and do not therefore result in any unlawful indirect discrimination.

ONS data¹⁵ on ethnicity pay gaps highlights that most non-white British groups have a lower median hourly pay than those identifying as White British. The Reunite Families report 2023 identifies that in 2019, there was a 16% pay gap between White British workers and Pakistani workers.

¹⁵ [Ethnicity pay gaps - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/employment-and-labour/people-in-work/ethnicity-and-nationality)

A petition was presented to the House of Commons by Afzal Khan MP on 27 February 2024 from residents of the constituency of Manchester, Gorton and declares that *'multinational families are facing separation due to the Government's decision to increase the income threshold'* and that *'workers of Pakistani or Bangladeshi heritage have the lowest median hourly pay of any ethnic group which may lead this policy to be overwhelmingly discriminatory against British Asians.'*

ONS data¹⁶ also indicated that those identifying as Indian, Chinese and White Irish had higher median hourly pay than those identifying as White British. This means that it may be harder for a non-White British person to meet the increased MIR, but individuals who are Indian, Chinese and White Irish may find it easier, compared to other ethnic groups including those who are White British, to meet the increased MIR. However, the Home Office does not collect data regarding the ethnicity of applicants, or their UK based sponsors. A key cause of lower earnings potential is linked to educational inequality and the government is investing money in tackling the attainment gap with specific targeted funding for those who are not achieving as well as their peers.

The increase to the MIR is considered a proportionate means of achieving the legitimate aim of ensuring that those who seek to establish their family life in the UK provide a net positive contribution to the UK and are not a burden on the taxpayer.

Those unable to meet the increased MIR will still be granted leave where to deny entry, or permission for further stay, would breach their and/or their family's Article 8 rights.

Religion or Belief

Direct Discrimination

We have not identified any direct discrimination linked to the protected characteristic of religion or belief resulting from the increase to the MIR.

Indirect Discrimination

The increase to the MIR may result in indirect negative impacts on people with the protected characteristic of religion. However, we consider these impacts are mitigated as far as possible as we will continue to grant leave where to do otherwise would breach the Article 8 rights of the applicant or their family. Any remaining impacts are a legitimate means of achieving a legitimate aim and do not therefore result in any unlawful indirect discrimination.

ONS data in their report "Religion, education and work in England and Wales: February 2020" sets out that those who identify as Muslim had the lowest median hourly earnings in 2018. Those identifying as Buddhist were next lowest followed by those identifying as Christian. It is therefore possible that those

¹⁶ [Ethnicity pay gaps - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/peopleandpopulation/ethnicity/articles/ethnicitypaygaps)

identifying as Muslim, Buddhist or Christian may find it more difficult to meet the increased MIR.

There is no data collected regarding the religion or belief of applicants or their UK based sponsors. Those identifying as Muslim or Christian also have lower average educational attainment and this may have an impact upon their earnings. The UK government's policies to increase access to further education and new skills may help in this area.

Those unable to meet the increased MIR will still be granted leave where to deny entry, or permission for further stay, would breach their and/or their family's Article 8 rights.

The increase to the MIR is considered a proportionate means of achieving the legitimate aim to ensure that those who seek to establish their family life in the UK provide a net positive contribution to the UK and are not a burden on the taxpayer.

Sex

Direct Discrimination

We have not identified any direct discrimination linked to the protected characteristic of sex resulting from the increase to the MIR.

Indirect Discrimination

The increase to the MIR may result in indirect negative impacts on people with the protected characteristic of sex. However, we consider these impacts are mitigated as far as possible, and that any remaining impacts are a legitimate means of achieving a legitimate aim and do not therefore result in any unlawful indirect discrimination.

The gender pay gap between men and women was reported in April 2022 as being 8.3%.¹⁷ This means that it may be harder for a woman to meet the increased MIR requirement. However, the gender pay gap data varies considerably when you consider other factors such as age or the type of work a person does.

Women are more likely to work part time than men.¹⁸ The 2021 annual population survey reported that 89% of men who were in work were full time and 11% part time, whereas for women in work 64% were full time workers and 36% worked part time. This may mean it is more difficult for a woman to meet the increased MIR to sponsor family members to come to the UK.

¹⁷ [Gender pay gap in the UK - Office for National Statistics \(ons.gov.uk\)](https://www.ethnicity-facts-figures.service.gov.uk/work-pay-and-benefits/employment/full-time-and-part-time-employment/latest#by-ethnicity-and-gender)

¹⁸ <https://www.ethnicity-facts-figures.service.gov.uk/work-pay-and-benefits/employment/full-time-and-part-time-employment/latest#by-ethnicity-and-gender>

The Journal of Economics, Race, and Policy report¹⁹ found that “the practice of not accounting for the potential earnings of the non-EEA spouse in the UK when considering visa applications likely penalises women more than men.” Where an applicant has an appropriate job offer in the UK, they can apply as a Skilled Worker. Once they are in the UK with permission to work, their earnings from employment here can be considered when assessing whether the MIR is met. In addition, prospective earnings in the UK can be considered where there are exceptional circumstances which could render refusal of an application a breach of Article 8.

The government is committed to reducing the gap and initiatives such as mandating annual reporting of the gender pay gap and other policies have the aim of seeking to reduce the gap.

The increase to the MIR is considered a proportionate means of achieving the legitimate aim of ensuring that those who seek to establish their family life in the UK provide a net positive contribution to the UK and are not a burden on the taxpayer.

Those unable to meet the increased MIR will still be granted leave where to deny entry, or permission for further stay, would breach their and/or their family’s Article 8 rights.

Sexual Orientation

Direct Discrimination

We have not identified any direct discrimination linked to the protected characteristic of sexual orientation resulting from the increase to the MIR.

Indirect Discrimination

The increase to the MIR may result in indirect negative impacts on people with the protected characteristic of sexual orientation. However, we consider these impacts are mitigated as far as possible, and that any remaining impacts are a legitimate means of achieving a legitimate aim and do not therefore result in any unlawful indirect discrimination.

There is no direct data regarding sexual orientation and earnings. In their report on sexual orientation the ONS figures show that about half of those identifying as gay or lesbian were in managerial or professional roles, for those identifying as bisexual, other, and heterosexual it was about a third. Whilst you could infer that those identifying as gay or lesbian are more likely to meet the increased MIR, the data is inconclusive. This is another area which the ONS is hoping to improve and provide more details in future. The Home Office does not collect data on the sexual orientation of applicants.

¹⁹ [Love Is Not all you Need: Income Requirement for Visa Sponsorship of Foreign Family Members | Journal of Economics, Race, and Policy \(springer.com\)](#)

It is possible that those in same-sex relationships who do not meet the increased MIR level may not be able to continue their relationship with their partner outside the UK in their country of their birth or nationality due to different laws and attitudes to those relationships in other countries. In these situations, those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights. As part of this consideration, decision-makers must assess whether there are insurmountable obstacles to family life between the applicant, their partner and any children continuing outside the UK.

The increase to the MIR is considered a proportionate means of achieving the legitimate aim of ensuring that those who seek to establish their family life in the UK provide a net positive contribution to the UK and are not a burden on the taxpayer.

As set out above, those unable to meet the increased MIR will still be granted leave where to deny entry, or permission for further stay, would breach their and/or their family's Article 8 rights.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

This limb of the duty does not have to be considered in relation to the exercise of functions by ministers or other authorised persons under the Immigration Acts in respect of race (excluding colour), religion or belief and age.

The Equality Act specifies that this limb involves having due regard to three specific aspects:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

As set out above, the family Immigration Rules are designed to be accessible to all, including those with relevant protected characteristics, as a means of advancing equality of opportunity. Furthermore, those unable to meet the increased MIR requirement will still be granted leave where to deny entry, or permission for further stay, would breach their Article 8 rights.

The MIR has been in place for many years and is understood to be part of the immigration system and has been recognised by the courts as a proportionate means of achieving the legitimate aim of ensuring that those who seek to choose to establish their family life in the UK are financially independent and provide a net positive contribution to the UK so they are not a burden on the

taxpayer. The increase to the MIR is to ensure that it continues to be set at a level that achieves this aim.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Equality Act specifies that having due regard to this limb involves considering the need to:

- (a) tackle prejudice
- (b) promote understanding

The MIR applies equally to all those seeking to bring family to the UK.

Those settled and present in the UK have mixed views on immigration.²⁰ The responses in the 2023 migration observatory report found around 22% of respondents thought that the level of immigration should stay about the same, while 52% said they would like immigration to be reduced. They also demonstrated a preference towards high skilled migration where people coming would contribute to the UK economy.

Those unable to meet the increased MIR will still be granted leave where to deny entry, or permission for further stay, would breach their or their family's Article 8 rights.

The MIR is designed as a proportionate means of achieving the legitimate aim of ensuring that families coming to the UK can support themselves and their partner without being a burden on the taxpayer, safeguarding the economic well-being of the UK. It would therefore support the aim of fostering good relations between the resident population and those coming to the UK.

²⁰ [UK Public Opinion toward Immigration: Overall Attitudes and Level of Concern - Migration Observatory - The Migration Observatory \(ox.ac.uk\)](https://www.migrationobservatory.ox.ac.uk/publications/uk-public-opinion-toward-immigration-overall-attitudes-and-level-of-concern)

4. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics.

Protected Characteristic Group	Potential for Positive or Negative Impact?	Explanation	Action to address negative impact
Age	Indirect negative	The majority of those aged 30 – 59 can meet the increased MIR level (of £29,000) as well a significant minority of those aged 22-29 and 60+. Those aged 18-21 may struggle to meet the new threshold.	<p>The majority of those in the 18-21 age group are in education or further training and so have not yet reached their full earning potential. This is recognised in policies such as the national living wage. It is also the smallest age group in terms of age span.</p> <p>Those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights under the European Convention on Human Rights (“ECHR”). In these cases, migrants will be placed on a longer route to settlement - 10 years (granted in four tranches of 30-month periods, with a fifth application being for settlement.</p>
Disability	Indirect negative	According to the statistics those who have a disability are less likely to be employed and more likely to be economically inactive.	<p>In 2021 the government published a disability strategy which set out several ways in which those who are living with a disability can have greater access to work or more support to get into work.</p> <p>Those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights under the European Convention on Human Rights (“ECHR”). In these cases, migrants under Appendix FM, will be placed on a longer route to settlement - 10 years (granted in four tranches of 30-month periods, with a fifth application being for settlement.</p>

Gender Reassignment	None identified	N/A	N/A
Marriage and Civil Partnership	None identified	N/A	N/A
Pregnancy and Maternity	Indirect negative	Those who are pregnant or have recently given birth may face a reduction in their income due to maternity leave.	<p>There is flexibility in the assessment allowing income to be assessed before maternity leave began if that is higher.</p> <p>Those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights under the European Convention on Human Rights ("ECHR"). In these cases, migrants will be placed on a longer route to settlement - 10 years (granted in four tranches of 30-month periods, with a fifth application being for settlement.</p>
Race	Indirect – neutral / inconclusive	Indirect – most ethnic groups have lower median hourly pay than those identifying as White British, apart from those identifying as Indian, Chinese and White Irish.	<p>A key cause of lower earnings potential is linked to educational inequality and the government is investing money in tackling the attainment gap with specific targeted funding for those who are not achieving as well as their peers.</p> <p>Those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights under the European Convention on Human Rights ("ECHR"). In these cases, migrants will be placed on a longer route to settlement - 10 years (granted in four tranches of 30-month periods, with a fifth application being for settlement.</p>

Religion or Belief	Indirect negative	Those identifying as Muslim, Buddhist or Christian have the lowest median hourly pay.	<p>Those identifying as Muslim or Christian also have lower average educational attainment and this may have an impact upon their earnings. The UK government's policies to increase access to further education and new skills may help in this area.</p> <p>Those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights under the European Convention on Human Rights ("ECHR"). In these cases, migrants will be placed on a longer route to settlement - 10 years (granted in four tranches of 30-month periods, with a fifth application being for settlement.</p>
Sex	Indirect negative	The gender pay gap means that across the UK population women earn 8.3% less than men.	<p>The government is committed to reducing the gap and initiatives such as mandating annual reporting of the gender pay gap and other policies have the aim of seeking to reduce the gap.</p> <p>Those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights under the European Convention on Human Rights ("ECHR"). In these cases, migrants will be placed on a longer route to settlement - 10 years (granted in four tranches of 30-month periods, with a fifth application being for settlement.</p>
Sexual Orientation	Indirect negative	It is possible that those who are not heterosexual and do not meet the increased MIR level may not be able to live together with their partner outside the UK in their country of their birth or nationality due to different laws and attitudes to those relationships.	Those unable to meet the increased MIR may still be granted leave where to deny entry, or permission for further stay, would lead to unjustifiably harsh consequences which would lead to a breach of their Article 8 rights under the European Convention on Human Rights. In these cases, migrants will be placed on a longer route to settlement - 10 years

			(granted in four tranches of 30-month periods, with a fifth application being for settlement).
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5. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

In all cases those unable to meet the increased MIR requirement are assessed against our human rights obligations and may still be granted leave where to deny entry, or permission for further stay, would breach their human rights.

6. Review date:

November 2024

7. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SCS sign off: David Ramsbotham

Name/Title: Head of Human Rights and Family Unit

Directorate/Unit: Human Rights and Family Unit, Asylum Protection and Enforcement Directorate, Migration & Borders Group