



Marriage & Immigration

10th December 2007

On 5th December, the Government issued two consultation papers relating to foreign spouses seeking to join a British citizen or person with indefinite leave to remain in the UK. This information sheet gives information relating to these two papers and the Government's proposals.

It is important to note that the two papers concern very different issues relating to foreign spouses seeking to enter the UK:

- English language requirements before a foreign spouse may enter the UK
- forced marriages and abandoned spouses

English language requirements

The first of the papers concerns the Government's proposal to require all foreign nationals seeking to join their spouse in the UK to demonstrate some knowledge of the English language. This paper is available at:

<http://www.ind.homeoffice.gov.uk/6353/6356/17715/englishforspouseconsultation.pdf>

In November 2005, the Government introduced an English language requirement for those applying for citizenship. In April 2007, that requirement was extended to those applying for indefinite leave to remain in the UK (see the April information sheet on "Settlement"). The Government now propose that those seeking to join their spouse in the UK should demonstrate some knowledge of the English language.

The Government say they have three aims:

- to assist the foreign spouse's integration at an early stage
- to improve the foreign spouse's employment chances
- to prepare the foreign spouse for the Life in the UK test or demonstrating language progression when he or she applies for settlement

The paper states that the following will not be required to meet the requirement:

- European Economic Area (EEA) nationals
- dependants of EEA nationals
- refugees
- spouses of migrants entering the UK under the Points Based System (however, the paper leaves open the question whether the requirement may be extended to these spouses at some future date)

The paper does not mention any exemption for the following:

- dependants of refugees (it may be that the reference to refugees is meant to include the spouse of the refugee, but this is not clear from the paper)
- those granted humanitarian protection or their dependants

The paper includes specific questions in a questionnaire format. These relate to whether the proposal should be implemented at all; and, if it is implemented, how it should be implemented (including what level of English should be required and what should happen if the foreign national fails to meet that requirement).

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Forced marriages and abandoned spouses

The second of these papers sets out proposals and questions relating to forced marriages and abandoned spouses. This paper is available at:

<http://www.ind.homeoffice.gov.uk/6353/6356/17715/forcedmarriageconsultation.pdf>

This paper sets out fifteen questions. The focus of the paper and the questions is upon British citizens (or others settled in the UK) who may be forced into a relationship in order to secure a foreign partner's entry into the UK; or exploited by a foreign partner who has used them to gain entry.

The proposals set out in the paper include:

- raising the minimum age for a British citizen (or other person settled in the UK) to be able to sponsor a partner to enter the UK from 18 to 21 years
- providing more opportunities for a British citizen (or other person settled in the UK) to give confidential information to the Border and Immigration Agency (BIA) about their relationship and the partner they are sponsoring
- issuing a code of practice to be used by the BIA to assess whether a sponsor may be vulnerable to exploitation or whether a relationship may be forced
- refusing a foreign partner's application if the sponsor is assessed as vulnerable
- making greater use of powers to revoke indefinite leave to remain if a marriage has been used simply for a foreign national to gain entry to the UK
- revoking indefinite leave to remain if a foreign national has abandoned the spouse who has sponsored his or her entry to the UK
- establishing a helpline for women who have sponsored the entry of a foreign spouse

There is currently a further consultation relating to forced marriages. This is not a BIA consultation. It relates to the Forced Marriage (Civil Protection) Act 2007. It includes marriages where both partners are British citizens. The issues it raises are related to issues raised by the BIA consultation. The key issues raised by this further consultation are:

- which organisations or people should be able to seek the protection of a court for a victim of a forced marriage without the need for the victim to seek that protection for themselves
- in what circumstances should they be able to do so

A copy of this consultation is available at:

<http://www.justice.gov.uk/docs/consultation-31-07.pdf>