

Executive Summary

The Immigration Rules contain provisions to allow non-EEA nationals to remain in the UK on the basis of their marriage, civil partnership or relationship with a British citizen or persons settled in the UK. The Rules set out the requirements for those seeking to enter or remain as the spouse, civil partner, unmarried or same-sex partner of a British citizen or settled person. These requirements include the following: the couple must intend to live together permanently, the relationship must be subsisting and the parties must be able to maintain and accommodate themselves without recourse to public funds. If the applicant is an unmarried or same-sex partner, the couple will need to have been living together in a relationship akin to marriage or civil partnership which has subsisted for two years or more.

The current Rules also require that the spouse, civil partner, unmarried or same-sex partner will be aged 18 or over on the date of arrival in UK or (as the case may be) on the date on which the leave to enter or remain would be granted. Similarly, the sponsor will also need to be aged 18 or over at that date.

The Rules also set out the requirements for a person to be granted leave to enter as the fiancé(e) or proposed civil partner of a person who is present and settled in the UK. In such cases both the applicant and the sponsor will need to be aged 18 or over.

In *Securing the UK Border* published in March 2007, we set out our intention to consult on a range of measures to protect the vulnerable against forced marriage and ensure that people coming to the UK to settle have the skills to integrate.

In December 2007 we published two consultations proposing new arrangements for marriage visas: ***Marriage to partners from overseas*** and ***Marriage visas: pre entry English requirement for spouses***. These consultations concluded in February 2008.

The government response to the marriage visa consultations ***Marriage Visas: The Way Forward*** was published in July 2008. The key proposals set out in this document include:-

- Requiring those seeking spouse visas to enter into an agreement to learn English as part of the visa application process and, once they have arrived in the UK, to show that they have fulfilled this commitment.
- Raising the age at which someone can sponsor or be sponsored as a spouse from 18 to 21.
- Making it a requirement that sponsors are required to register their intention to sponsor a spouse to come to the UK before they leave and if needed attend a compulsory interview.

This Impact Assessment considers the costs and benefits of implementing the proposal to raise the minimum age of a spouse and their sponsor from 18 to 21.

The impacts will be to prevent 18 to 21 year old spouses from entering the UK for the purposes of marriage, or from sponsoring a spouse from within the UK. It is estimated that this will lead to a reduction in visa applications that will reduce both visa revenue and visa processing costs by approximately £24m over 5 years. However, there are substantial non-quantifiable benefits to be gained by raising the age for sponsorship to 21, both to victims of Forced Marriage and to the British public. Raising the age of sponsorship should help tackle the problem of forced marriage.

In the long run, the preferred option is to reform the entire marriage visas system and implement all of the proposals set out above. A final Impact Assessment on the other marriage visa proposals will be published when we are closer to implementing the complete set of proposals.

Summary: Intervention & Options

Department /Agency: UK Border Agency	Title: Impact Assessment of Marriage Visa reform proposals – raising the age of sponsorship from 18 to 21	
Stage: Final	Version: 1	Date: November 2008
Related Publications: Consultation papers <i>Marriage to Partners from Overseas</i> , and Government response document <i>Marriage Visas: The Way Forward</i>		

Available to view or download at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/marriagetopartnersfromoverseas/>

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What is the problem under consideration? Why is government intervention necessary?

1. The immigration system is undergoing the most radical reform in 45 years. As part of this reform we are updating our policies for those who wish to marry a British person or person settled here.
2. The public and parliament are concerned about forced marriage. The immigration system could offer increased protection against coercion into forced marriage.

What are the policy objectives and the intended effects?

1. To raise the minimum age at which someone can sponsor or be sponsored as a spouse to 21 to help reduce the number of forced marriage cases in the UK
2. To do everything we can to prevent forced marriage

What policy options have been considered? Please justify any preferred option.

Option 1 Do nothing - continue with the current system.

Option 2 Raise the age at which someone can sponsor or be sponsored as a spouse from 18-21

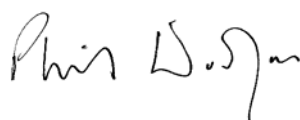
Option 2 is the preferred option as it will help to address the problem of forced marriage in the UK

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

The marriage visa system will be continuously monitored after implementation.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.



Signed by the responsible Minister:

Date: 25 November 2008

Summary: Analysis & Evidence

Policy Option: 2

Description: Marriage Visa reform

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' 1. UK Border Agency (reduction in marriage visa fees)
	One-off (Transition)	Yrs	
	£ 0		
	Average Annual Cost (excluding one-off)		
	£ 4.8m	5	Total Cost (PV) £ 24m
Other key non-monetised costs by 'main affected groups' There is a risk of increased appeals/JR but this is not possible to accurately quantify. There are wider impacts of reduced <i>potential</i> output in the UK.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' 1. UK Border Agency (reduction in costs of processing marriage visas) 2. UK economy (reduced harm from forced marriage)
	One-off	Yrs	
	£ 0		
	Average Annual Benefit (excluding one-off)		
	£ 4.8m	5	Total Benefit (PV) £ 24m
Other key non-monetised benefits by 'main affected groups' There are expected to be fewer victims of Forced Marriage in the UK. This will bring economic, social and psychological benefits to the victims. British citizens and permanent residents will benefit from increased protection against forced marriages. The Public will benefit from greater confidence in the Immigration system.			

Key Assumptions/Sensitivities/Risks

Key assumptions include the volume of marriage visa cases prevented from coming to the UK, and the propensity for couples to re-enter the UK when they turn 21.

Price Base Year 2008	Time Period Years 5	Net Benefit Range (NPV) £ 0 m	NET BENEFIT (NPV Best estimate) £ 0 m	
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What is the geographic coverage of the policy/option?		Worldwide		
On what date will the policy be implemented?		November 2008		
Which organisation(s) will enforce the policy?		UK Border Agency		
What is the total annual cost of enforcement for these organisations?		£ 0		
Does enforcement comply with Hampton principles?		n/a		
Will implementation go beyond minimum EU requirements?		n/a		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro £0	Small £0	Medium £0	Large £0
Are any of these organisations exempt?	n/a	n/a	n/a	n/a

Impact on Admin Burdens Baseline (2005 Prices)				Decrease
Increase of	£ 0	Decrease of	£ 0	Net Impact £ 0

Key:	Annual costs and benefits: Constant Prices	(Net) Present Value
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RATIONALE FOR GOVERNMENT INTERVENTION

1. We are currently undertaking the biggest reform of Britain's immigration and border security system for 45 years. Alongside the complete shake-up of routes to come and work and study, we are modernising the spouse visa system.
2. The Government cannot ignore the problem of forced marriage and the immigration system needs to play its part in cracking down on forced marriage. This adds to wider work across government to tackle the problem of forced marriage and the passing of the Forced Marriage (Civil Protection) Act 2007 both of which add support and protection to victims.
3. In 2007 the Government's Forced Marriage Unit dealt with around 400 cases concerning young British nationals at risk of being forced into marriage. In 168 of these cases assistance was provided overseas. In the first three quarters of 2008 compared to the first three quarters of 2007 the FMU's caseload increased by around 100% . This indicates there is an urgent need for action to address the problem of forced marriage.
4. In December 2007 we undertook an extensive public consultation which proposed changes to the marriage visa system: *Marriage to partners from overseas*

POLICY OBJECTIVES

5. The introduction of marriage visa reform will ensure we do everything we can to prevent forced marriage.
6. The policy proposals are centred around the following key principles, identified in the public consultation:
7. Marriage to partners from overseas:
 - No one should be pressurised into sponsoring a marriage visa;
 - Those who wish to sponsor a marriage partner from overseas should be encouraged to establish an independent adult life here first, and to see that as an important way of helping their partner to integrate;
 - Spouses who are abandoned by a person they have sponsored have entitlements too, including knowing that their sponsorship is not being abused for further advantages.

OPTIONS

8. This impact assessment considers two options:
9. Option 1 - Do nothing and retain the current requirements for leave on the basis of marriage.
10. Option 2 – Introduce the proposal of increasing the age at which someone can sponsor or be sponsored as a spouse from 18 to 21 (outlined in the Government's response to the marriage visa consultation *Marriage Visas: the Way forward*).

COSTS AND BENEFITS

11. The two options and the key monetised and non-monetised costs and benefits are outlined below:

Option 1 – Do Nothing.

Do Nothing: Do not introduce any changes to the requirements for leave on the basis of marriage
Description
<ul style="list-style-type: none"> No change.

Option 2 – Introduce the Marriage Reform Proposals – Raising the Age of Sponsorship and for a spouse to come to the UK on the basis of marriage

Increase the age at which someone can sponsor or be sponsored as a spouse from 18 to 21
Description
<ul style="list-style-type: none"> Increase the age at which someone can sponsor or be sponsored as a spouse from 18 to 21 for all types of marriage visa.
Key monetised benefits
<ul style="list-style-type: none"> Reduction in the costs of processing applications for marriage visas for those ineligible.
Key non-monetised benefits
<ul style="list-style-type: none"> It will provide an opportunity for individuals to develop maturity and life skills which may allow them to resist the pressure of being forced into a marriage. It will provide an opportunity to complete education and training. It will allow the victim an opportunity to seek help/advice before sponsorship and extra time to make a decision about whether to sponsor. Reduced harm from forced marriages either through reduction in forced marriages or delay in sponsorship and therefore time spent with (sometimes abusive) spouse if the sponsor returns to the UK. Reduction in costs of processing marriage visa applications
Key monetised costs
<ul style="list-style-type: none"> Loss of visa fees generated from marriages between 18-20 year olds.
Key non-monetised costs
<ul style="list-style-type: none"> Risk of increased appeals and/or Judicial Review There may be some training costs but these will be negligible and built in to business as usual Reduction in output from spouses overseas who would have come to the UK aged 18-20, and spouses in the UK who may potentially leave the UK to be with their foreign-national spouse.

Discussion of non-monetised benefits

12. Figures from the Forced Marriage Unit indicate that the highest number of forced marriage cases in the period 2005-June 2008 involved those age 18, followed by those aged 17 and 19 and those aged 20.

13. We believe that the benefits of raising the age including allowing young people to develop maturity and life skills which may allow them to resist the pressure of being forced into a marriage, a delay in forced sponsorship, allowing the victim of a forced marriage to seek help and advice during the period when they cannot sponsor, and providing an opportunity to complete education

and training offset any impacts here. In addition, the vast majority of those being sponsored for a marriage visa are over 21 and they will continue to be eligible to apply for a visa.

14. The numbers affected are relatively small and the measure is time limited so that a marriage visa can be applied for when the parties eventually turn 21. In 2006, for example, 7% (3,420) of spouses granted leave to enter the UK were aged between 18 and 20. In the same year, 2.5% (520) of people granted leave to remain in the UK as a spouse were within this age group.
15. Concerns have also been raised that sponsors may be taken overseas, forced into marriage and then kept overseas until they have reached 21 before applying for a marriage visa and coming to the UK. In the experience of the Forced Marriage Unit it is uncommon for sponsors to be forced to remain abroad between the period following the marriage and being able to return to the UK with their spouse.
16. Overall there will be an increase in the marriage visa sponsorship age but this may lead to more prevention and detection of forced marriage cases and more support being offered to those who are at risk of being forced into a marriage.

Summary cost and benefit table

17. The costs and benefits of option 2 are summarised in table 1.

Table 1: Cost and benefits to the economy, 5 year NPV

	<i>Option 2</i>
BENEFITS	
Reduction in harms associated with Forced Marriages	Not quantifiable
Reduction in costs of processing marriage visa applications	£24,000,000
Total benefits	£24,000,000
COSTS	
Training costs	Negligible
Risk of increased appeals in short-run	Not quantifiable
Loss of visa fees to UKBA	£24,000,000
Total Costs	£24,000,000
Net benefit	£0

Wider Impacts

18. In addition to the impacts identified above there may be costs to *potential* output in the UK. This is because spouses overseas between 18 and 21 will be prevented from coming to the UK to join their spouse and entering productive employment. In addition, there is the potential that British citizens aged 18 to 21 that want to sponsor a spouse will leave the UK to join their spouse overseas. It is estimated that this could lead to a reduction in *potential* UK output of approximately £100m over 5 years (£82m through overseas spouses prevented from coming to the UK, and £18m through British Citizens leaving the UK). However there is little evidence to understand how these groups will respond to the policy change, and what their expected employments and earnings are.

SUMMARY AND PREFERRED OPTION

19. Option 2 is the preferred option. Whilst there are costs to the economy of lost output from those that leave to join their spouses overseas and those prevented from coming to the UK, there are likely to be significant benefits associated with helping to prevent forced marriage in the UK. There will be significant benefits to victims that are identified as victims of forced marriage and supported; and substantial benefits where forced marriages are prevented entirely.

Sensitivity analysis

20. The costs and benefits identified in the table above are subject to a significant degree of uncertainty depending on whether the wider impacts are included (see Annex B for more detail on the assumptions). The sensitivity of the key assumptions are shown in table 2 below. This shows that the total estimated costs and benefits to the UK will depend significantly on: the volumes affected; the propensity of British Citizens to leave the UK to join their spouses if prevented from bringing them to the UK; the propensity for marriage visa applicants to re-enter the UK when they turn 21; and the expected earnings of the affected groups.

Table 2: Sensitivity Analysis

Assumption	Minimum NPV scenario	Central assumption	Maximum NPV scenario
British Citizens (18-20 years old) who leave the UK to join their spouse abroad	50%	25%	0%
Spouses/Couples who re-enter the UK when they turn 21	0%	50%	100%
Numbers of new potential Marriage Visa Applications each year (18-20 year olds)	+20%	3,155	-20%
Average wage of 18-20 Year Old British Citizen	Median National Wage	National Minimum Wage	National Minimum Wage
Number of undetected Forced Marriages (<i>FMU Assumption, please see Annex B</i>)	500	1,150	1,800
Net Impacts (excluding wider impacts)	£ 0	£ 0	£ 0
Net Impacts (including wider impacts)	- £ 204m	-£100m	- £33m

MONITORING AND EVALUATION

21. It will be difficult to accurately monitor and evaluate the impacts of the proposals as the objective is to reduce forced marriages in the UK and their associated costs. Given the uncertainty nature of forced marriages, it will be extremely difficult to accurately assess the extent to which forced marriage is reduced in general, let alone as a result of this specific policy.
22. The policy will principally be monitored through the ongoing work of the Forced Marriage Unit to understand the key issues associated with Forced Marriage and with the policy of raising the marriage visa age.
23. The policy impacts will also be monitored through analysing changes in volumes of marriage visas, to understand the extent to which volumes will fall in the first few years and reach a new steady state in the long-run (assuming many applicants decide to enter the UK when they reach the age of 21).

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	Yes
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	No
Rural Proofing	No	No

Annexes

ANNEX A – Specific Impact Tests

Competition, Small Firms, Legal Aid, Sustainable Development, Carbon assessment, Other environment, Rural Proofing

It is not expected that there will be any significant impacts in these areas as a result of this policy.

Health Impact

There will be a positive health impact for victims and potential victims of forced marriage if the proposals reduce the number of cases of forced marriage in the UK. This would involve significant physical, social, psychological and economic benefits for those affected.

Race and Gender Equality Impact Assessment

Please see the separate Equality Impact Assessment.

Annex B: Key assumptions for additional costs and benefits

Policy Area	Monetised Costs/Benefits	Data Requirements
<p><u>Increase in age from 18 to 21</u></p>	<p><u>Wider Impacts</u> Reduction in output from those who would have come to the UK</p>	<p>People prevented from entering:</p> <p>Number of 18 to 20 Year Olds entering UK on Marriage Visa: 3,155 (<i>Source: UKBA MI, No. of people entering with LTE for Marriage Visa who are 18-20 in 2007</i>).</p> <p>It is assumed that every year there are 290 <i>additional</i> 18 yr olds, 1,255 <i>additional</i> 19 yr olds and 1,610 <i>additional</i> 20 yr olds wishing to enter via marriage visa. (<i>Source: UKBA MI, No. of people entering with LTE for Marriage Visa who are 18-20 in 2007</i>).</p> <p>The baseline case assumes, as a result of the rules change that:</p> <ul style="list-style-type: none"> • 25% of 18-20 year old British Citizens will leave the UK to be with their spouse abroad. • 50% of 18-20 year old spouses/couples will re-enter the UK when they turn 21. <p>For the sensitivity analysis, the minimum scenario assumes that:</p> <ul style="list-style-type: none"> • 50% of 18-20 year old British Citizens will leave the UK to be with their spouse abroad. • 0% of 18-20 year old spouses/couples will re-enter the UK when they turn 21. <p>The maximum scenario assumes that:</p> <ul style="list-style-type: none"> • 0% of 18-20 year old British Citizens will leave the UK to be with their spouse abroad. • 100% of 18-20 year old spouses/couples will re-enter the UK when they turn 21. <p>Number of Forced Marriages Prevented:</p> <p>Range of Forced Marriage cases handled by the FMU in the UK or overseas: 500 – 1,800</p> <p>It is difficult to estimate the number of undetected forced marriages which enter the UK each year. The range used represents the numbers for overseas/immigration cases handled by the FMU as these are the cases that this legislation will impact with. However, we do not expect this to represent the full picture of the issue. In 2007, there were 254 such cases (86 RS + 168 overseas assistance). In 2008 we expect that figure to be approx 517, based upon pro-rataing the first three quarters of the year. The higher estimate of 1,800 represents the total incidences handled by the FMU, the majority of which are providing advice to UK agencies or to victims calling anonymously. (<i>Source: Forced Marriage Unit, FCO. Caveat: the actual figure could be much higher</i>).</p> <p>Proportion of Forced Marriages for 18-20 Year Olds: 28% (<i>2007 FMU Statistics</i>).</p>

Number of undetected Forced Marriages entering UK (18-20 year olds only): Range used of 138 - 497 (based on the above).

Reduction in output is only counted for those who are not forced marriage cases, i.e. 3,155 minus between 138 and 497 cases.

Average expected wage of a newcomer to the UK: assumptions as above, £6,350 pa.

Population flows: It is assumed that every year there are 290 *additional* 18 yr olds, 1,255 *additional* 19 yr olds and 1,610 *additional* 20 yr olds wishing to enter via marriage visa. **Source: UKBA MI** - Number of LTE for Marriage that are 18-20 years old.

Employment and Wage Assumptions:

The expected wage for a British Citizen aged between 18-20 years old and a non-EEA spouse between 18-20 years old was calculated from the following assumptions:

Wages (p.h.):

- The National Minimum wage of £5.52 was used as the baseline wage assumption for British Citizens and Non-EEA spouse entrants.
- The Median Wage for British Citizens was used for the minimum scenario in the sensitivity analysis. These currently are:

Median Full-time Wage Male	12.09
Median Full-time Wage Female	10.48
Median Part-time Wage Male	7.22
Median Part-time Wage Female	7.30

(Source: www.nomisweb.co.uk – Annual Survey for Hours and Earnings)

Employment Rates:

- For British Citizens the following employment rates were used:

16-24 Employment Rate Full-time Male	43.1%
16-24 Employment Rate Part-time Male	15.8%
16-24 Employment Rate Full-time Female	32.1%
16-24 Employment Rate Part-time Female	23.7%

(Source: www.nomisweb.co.uk – Annual Population Survey)

		<ul style="list-style-type: none"> For non-EEA spouses the following assumptions were made: <table border="1" data-bbox="846 220 1906 288"> <tr> <td>Non-EEA Spouse Full Time Employment Rate</td> <td>45%</td> </tr> <tr> <td>Non-EEA Spouse Part Time Employment Rate</td> <td>11%</td> </tr> </table> <p>(Source: LFS Analysis)</p> <p><u>Hours Worked:</u></p> <p>It was assumed that Full-time employees work 40 hours per week and Part-time employees work 20 hours per week. It was further assumed both groups work 48 weeks per year.</p> <p><u>EEA Labour Assumption:</u></p> <p>In the Tier 2 PBS Impact Assessment it is assumed that of those prevented from entering; only 50% of the cost of foregone labour is attributed to the policy.</p> <p>This is because it is assumed that 50% of these now vacant jobs could potentially be filled by EEA Labour supply.</p>	Non-EEA Spouse Full Time Employment Rate	45%	Non-EEA Spouse Part Time Employment Rate	11%
Non-EEA Spouse Full Time Employment Rate	45%					
Non-EEA Spouse Part Time Employment Rate	11%					
	<p><u>Costs</u> Loss of Visa fees</p>	<p>The price of a marriage visa: £750 (Source: UKBA website, www.bia.homeoffice.gov.uk, Sept 2008).</p> <p>The total cost depends on how many re-enter when they turn 21. The baseline case assumes that 50% of spouses/couples re-enter when they turn 21.</p> <p>In the sensitivity analysis, the minimum scenario assumes that 0% re-enter and for the maximum scenario 100% are assumed to re-enter.</p>				
	<p><u>Benefits</u> Savings from processing Marriage Visas</p>	<p>The cost of processing an additional visa application is assumed to be equivalent to the price of a marriage visa: £750 (Source: UKBA website, www.bia.homeoffice.gov.uk, Sept 2008).</p> <p>The total savings depends on how many re-enter when they turn 21. The baseline case assumes that 50% of spouses/couples re-enter when they turn 21.</p> <p>In the sensitivity analysis, the minimum scenario assumes that 0% re-enter and for the maximum scenario 100% are assumed to re-enter.</p>				