



COMMENT

How not to announce changes to the Immigration Rules

Frank Cranmer^{1,2}

¹Fellow, St Chad's College, Durham, UK and ²Honorary Research Fellow, Centre for Law and Religion, Cardiff University, UK

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On 4 December, the Home Secretary unveiled a new package of measures to reduce immigration – a matter of great interest to faith communities, given that some of them depend fairly heavily on clergy and lay-workers from overseas to sustain their pastoral ministries. One of the elements in his statement to the Commons was a decision to ‘increase the skilled worker earnings threshold by a third to £38,700 from next spring, in line with the median full-time wage for those kinds of jobs’ and to raise the minimum income for family visas ‘to the same threshold as the minimum salary threshold for skilled workers, which is £38,700’.¹

The intention appeared to be that the new measures would apply not only to prospective immigrants and to applications from those settled here to bring in their spouses, civil partners and fiancé(e)s from abroad, but also to spouses and civil partners already resident who needed to renew their visas.

The presumption was that the new threshold would apply automatically to church lay-workers recruited on Skilled Worker visas; however, overseas clergy working in the UK are normally recruited on a T2 Minister of Religion visa,² and it was assumed that the new threshold would not apply to them. So when the Bishop of Norwich raised the issue of visas for clergy from overseas, the Home Office minister in the Lords, Lord Sharpe of Epsom, managed to confuse matters utterly by telling him that ‘there is no barrier to recruiting people to the Church, as long as £38,700 is paid to them. I do not think that unreasonable, I am afraid’.³

Lord Sharpe had clearly been badly briefed, and on 12 December Tom Pursglove, the Home Office Minister for Legal Migration and Delivery, attempted to clarify the issue in a Commons Written Answer:

¹ HC Deb (2023–24), vol 741, cols 41–43.

² See <<https://www.gov.uk/minister-of-religion-visa>>; all references to websites in this Comment article were last accessed on 5 January 2024.

³ HL Deb (2023–24), vol 834, col 1463.

The T2 Minister of Religion route does not have a salary threshold. Workers must receive pay and conditions at least equal to those given to settled workers in the same role and be compliant with, or exempt from, the National Minimum Wage. There are no plans to make any changes at this time.⁴

That position was subsequently confirmed by Lord Sharpe in a Lords Written Answer to the Bishop of Norwich on 21 December:

The changes announced by the Home Secretary did not include any amendments to the T2 Minister of Religion route. There are no plans to make any changes to the route at this time.⁵

So far, so good—if a mite confusing. To the surprise and annoyance of some of Lord Sharpe’s Conservative colleagues, however, in a Written Answer to the Marquess of Lothian on the same day he also announced that the raising of the income threshold would be staged:

At the current Minimum Income Requirement (MIR) level of £18,600, 75% of the UK working population ... meet the MIR level. At the higher MIR of £38,700—the median salary level for those on the skilled worker route, and all else being constant, around 30% of the UK working population could meet the threshold based on earnings alone. *The MIR will be increased in incremental stages to give predictability.* In Spring 2024, we will raise the threshold to £29,000, that is the 25th percentile of earnings for jobs which are eligible for Skilled Worker visas, moving to the 40th percentile (currently £34,500) and finally the 50th percentile (currently £38,700 and the level at which the general skilled worker threshold is set) in the final stage of implementation.⁶

On the same day, the Home Office published a policy paper confirming that position:

A decision was taken to increase the family Minimum Income Requirement (MIR) in line with the standard Skilled Worker general threshold. This would see the MIR increase to median earnings for jobs at the skill level of RQF3, currently £38,700. As part of a staged implementation, an initial increase to the 25th percentile of RQF3 jobs of £29,000 will be enacted initially [*sic*].⁷

Further clarification was given in a Home Office factsheet confirming that the current thresholds and policies will remain in place until the Immigration Rules

⁴ UIN 5718, tabled on 6 December 2023, <<https://questions-statements.parliament.uk/written-questions/detail/2023-12-06/5718>>.

⁵ UIN HL991, tabled on 7 December 2023, <<https://questions-statements.parliament.uk/written-questions/detail/2023-12-07/hl991>>.

⁶ UIN HL987, tabled on 7 December 2023, <<https://questions-statements.parliament.uk/written-questions/detail/2023-12-07/HL987>> (emphasis added).

⁷ Home Office, ‘Legal migration statement: estimated immigration impacts (accessible)’, 21 December 2023, para 49, <<https://www.gov.uk/government/publications/legal-migration-statement-estimated-immigration-impacts/legal-migration-statement-estimated-immigration-impacts-accessible>>.

are amended. The Home Office also said that the changes will apply only to *new* visa applicants; those already here will have to meet only the current £18,600 threshold when they apply to extend a family visa:

Those who already have a family visa within the five-year partner route, or who apply before the minimum income threshold is raised, will continue to have their applications assessed against the current income requirement and will not be required to meet the increased threshold. This will also be the case for children seeking to join or accompany parents.

Anyone granted a fiancé(e) visa before the minimum income threshold is raised will also be assessed against the current income requirement when they apply for a family visa within the five-year partner route.⁸

However:

Those already in the UK on a different route who apply to switch into the five-year partner route, after the minimum income requirement has been increased, will be subject to the new income requirement.⁹

Finally, during a visit to an air ambulance headquarters in Lincoln on 22 December, the Prime Minister announced that the minimum income level would not rise to £38,700 until early in 2025.¹⁰

Both the original announcement and the subsequent decision to stage the increases attracted criticism from MPs from across the Conservative Party. Alicia Kearns, the Chair of the Commons Foreign Affairs Committee, told LBC that the new migration regime ‘risks being very unconservative’ by splitting up families.¹¹ Miriam Cates, on the other hand, was reported by *The Times* as saying that immigration was far too high and that ‘Reducing the threshold for spousal visas so soon after promising a crackdown does not bode well’,¹² while Jonathan Gullis described the decision to stage the increases as ‘deeply disappointing’.¹³

What now appears to be the final outcome provides some welcome reassurance on the rules for T2 Minister of Religion visas, given that the current minimum stipends for Church of England, Methodist and Baptist clergy are all below £30,000, while the maximum stipend for parish ministers in the Church of Scotland in 2022 was £35,269: none reaches the proposed final £38,700 threshold. The subsequent Home Office announcement also seems to protect

⁸ Home Office, ‘Fact sheet on net migration measures – further detail’, 21 December 2023, <<https://www.gov.uk/government/news/fact-sheet-on-net-migration-measures-further-detail>>.

⁹ *Ibid.*

¹⁰ BBC News 22 December, ‘New £38,700 visa rule will be introduced in early 2025, says Rishi Sunak’, <<https://www.bbc.co.uk/news/uk-politics-67801167>>.

¹¹ M Dathan and F Hamilton, ‘New visa rules will ruin relationships, Rishi Sunak told’ (*The Times*, 5 December 2023).

¹² M Dathan, ‘Sunak climbs down on income threshold for spouse visas’ (*The Times*, 21 December 2023).

¹³ P Walker, ‘“Sign of weakness”: Home Office U-turn on visa salary threshold divides Tories’ (*The Guardian*, 22 December 2023).

the position of, say, an American church lay-worker who is living here, is married to a UK citizen and is earning less than £29,000.

If some readers find the twists and turns of this saga rather confusing, they are certainly not alone, and a cynic might add that the latest possible date on which a General Election can be held is 28 January 2025.¹⁴

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¹⁴ The Prime Minister announced on 4 January 2024 that his ‘working assumption’ was that the Election would be held ‘in the second half of this year’: C Smyth, ‘Rishi Sunak suggests general election will be held in second half of year’ (*The Times*, 4 January 2024).

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