



DEBATE PACK

Number CDP-2018-0160, 29 June 2018

E-petitions 206568, 210497 and 201416 relating to family visitor visas

Westminster Hall, Monday 9 July 2018, 4.30pm

A Westminster Hall debate on e-petitions 206568, 210497 and 201416 relating to family visitor visas is scheduled for Monday 9 July at 4.30pm. The Member leading the debate is Helen Jones MP, Chair of the Petitions Committee.

The subject for this debate was determined by the [Petitions Committee](#). You may watch the debate online at [parliamentlive.tv](#).

There is more information about [e-petitions](#) on the Parliament website.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. The system of e-petitions

E-petitions enable members of the public to petition the House of Commons and to press for action from the government.¹

The e-petitions system is jointly owned by the House of Commons and the government. It is overseen by the [Petitions Committee](#) on behalf of the House of Commons.²

General information about procedure and policy may be found at Parliament.uk, [Find out more about e-petitions](#).

The [e-petitions website](#) holds the texts of e-petitions and government responses.

1.1 Petitions Committee

The Committee's [Actions on petitions](#) are described on its website. This highlights the three main actions as:

- Schedule a debate on one or more petitions
- Investigate the issue of a petition
- Tag petitions to a House of Commons debate

In relation to scheduling a debate, the website states:

The Committee can schedule debates on petitions in Westminster Hall on Mondays from 4.30pm (for up to 3 hours).

Petition debates are general debates about the issues raised by the petition. This means that the debates cannot directly change the law or result in a vote to implement the request of the petition. If your petition is debated, it means that MPs can discuss your petition, ask questions about the Government's position on the issue, or press the Government to take action. A Government Minister takes part in the debate and answers the points raised.

¹ Parliament.uk, [Find out more about e-petitions](#)

² Ibid

2. E-petitions 206568, 210497, 201416

The text of e-petition 206568, [Introduce automatic approval of visit visas for families of British Citizens](#), is as follows:

Family members of UK Citizens shouldn't have to meet the same criteria as other applicants for a visit visa. Not being a citizen doesn't make our parent, siblings, children or grandchildren any less a part of our family. The only requirement should be that a British relative sponsors them.

If we can support them, there is no reason to reject an application. The same restrictions would still apply: no public funds; no ability to work, and checks to ensure no threat to national security. My sister has visited four times. She's never overstayed or worked but is now refused a visa to visit me with my mother. A lot of families are heartbroken because relatives cannot visit. Let's bring families together and recognise the right to a family life for British citizens and their families.

The text of e-petition 210497, [Introduce super visa category for parents of British citizens similar to Canada](#), is as follows:

Parents for British citizens are treated differently if they reside in countries outside the EU and are not EU citizens and government has made the settlement of parents under ADR practically impossible so we are looking for a middle ground as it is done in Canada with SUPER VISA.

With the parent and grandparent super visa, eligible parents and grandparents can visit family in Canada for up to two years without the need to renew their status. The Super Visa is a multi-entry visa that provides multiple entries for a period up to 10 years. The key difference is that the Super Visa allows an individual to stay for up to two years on initial entry into Canada, while a 10-year multiple entry visa would only have a status period for each entry of six months only. Refer visa rules by Canada government and criteria as reference, sponsor does most work.

The text of e-petition 201416, [British citizens should be able to appeal the refusal of a family 'visit visa'](#), is as follows:

The appeals process for Family Visit Visa was removed on 25 June, 2013 to save costs. My recent personal experience confirmed that the UKBA seem to have cut the process of justice and accountability while cutting their costs. How can this be justified? Is UKBA now the Judge, Jury and Executioner?

In response to my query to UKBA I got back a 'blank' email with the request to fill out a satisfaction survey! My mother was rejected a visit visa recently and she was told not to apply within next 10 years. She is now 66. Which essentially means she may not possibly visit her grandchildren in UK for the rest of her lifetime. UKBA's rejection has no regards to how it affects me as a British

Citizen. Why should UKBA be allowed to impose decisions without due and just care? Stop this INJUSTICE!

2.1 Government responses

The Home Office has responded to e-petitions 206568 and 210497. It has not responded to e-petition 201416. The texts of these responses are as follows.

Broadly, they state that the government has no plans to change the Immigration Rules in relation to either petition.

E-petition [206568](#)

The Government has no plans to change the Immigration Rules for visitors to introduce automatic approval of visit visas for families of British Citizens.

Response in full:

The UK welcomes genuine visitors to the UK. The visitor route offers a huge range of activities that can be undertaken whilst a person is in the UK, including spending time with family.

Every visitor is assessed against the same Immigration Rules regardless of nationality. The only difference is where that assessment is made. Some individuals are assessed overseas by an entry clearance officer, while others are assessed at the UK border. All visitors to the UK are assessed against the Immigration Rules on a case by case basis.

Nationals of some non-EEA countries need a visa to visit the UK. Visas are an important part of securing the UK's border and are an effective tool for the UK in reducing illegal immigration, tackling organised crime and protecting national security.

Appendix V to the Immigration Rules sets out the requirements that a person seeking entry to the UK as a visitor must meet. This includes that a visitor must satisfy the decision maker that they are a genuine visitor who intends to leave the UK at the end of their visit and will not live in the UK for extended periods through frequent or successive visits, or make the UK their own home. They must be able to show that they are able to accommodate, support and maintain themselves during their visit without working or accessing public funds. There is flexibility in the rules for visitors to be maintained and accommodated by friends or relatives.

Automatically approving visas for a select group of people would mean that important considerations against the Immigration Rules would not be applied consistently and could raise equality concerns. It could lead to discrimination against those who do not have family members in the UK but have just as valid a reason for wishing to visit the UK.

There is also a danger of additional complexity in the assessment process around how an individual would prove that they are the family

member of a British citizen. There could be unintended consequences that make the application process longer, more difficult and costly.

The Government recognises the importance of family ties. In 2015 we simplified the immigration system for people visiting the UK by consolidating the number of visitor routes from fifteen to four and providing shortened, user-friendly Immigration Rules and guidance to make the requirements easier to understand. The changes created an easier-to-use, streamlined system with more flexibility for those visiting the UK over what they can do when they are in the UK.

E-petition [210497](#)

The Government has no plans to change the Immigration Rules for visitors to introduce a super visa for parents of British citizens.

Response in full:

The UK welcomes genuine visitors to the UK. The visitor routes are for people who are coming to the UK for a temporary purpose, usually for up to six months. Visitors should not be living in the UK through frequent or successive visits or making the UK their main home.

Every visitor is assessed against the same Immigration Rules regardless of nationality. The only difference is where that assessment is made. Some individuals are assessed overseas by an entry clearance officer, while others are assessed at the UK border. All visitors to the UK are assessed against the Immigration Rules on a case by case basis.

Nationals of some non-EEA countries need a visa to visit the UK. Visas are an important part of securing the UK's border and are an effective tool for the UK in reducing illegal immigration, tackling organised crime and protecting national security.

Adopting a similar model to that of Canada and allowing a select group of people to remain in the UK for 2 years as visitors, would mean that important considerations against the Immigration Rules would not be applied consistently and could raise equality concerns.

The Government recognises the importance of family ties. Visit visas are available with validities of 6 months, 2 years, 5 years and 10 years, allowing individuals wishing to visit the UK regularly or at short notice to do so without having to apply for a new visa each time they wish to travel.

The family Immigration Rules were reformed in July 2012 to prevent burdens on the taxpayer, promote integration and tackle abuse, and thereby ensure that family migration to the UK is on a properly sustainable basis that it is fair to migrants and the wider community.

We reformed the route for adult dependent relatives, given the significant NHS and social care costs which can be associated with these cases. The Department of Health has estimated that a person living to the age of 85 costs the NHS on average around £150,000 in their lifetime, with more than 50% of this cost arising from the age of 65

onwards. This figure does not take account of any social care costs met by local authorities.

Under the rules, adult dependants must demonstrate that, as a result of age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their sponsor here and without recourse to public funds. They must apply from overseas, not while in the UK as a visitor.

As well as the significant NHS and social care costs to which these cases can give rise, there are also broader issues of fairness. Adult dependent relatives can continue to visit a family member in the UK (for up to six months) but must return home at the end of their visit: we do not allow visitors to switch into other immigration categories while in the UK and the adult dependent relative category should not be an exception. There should also not be a routine expectation of settlement in the UK for parents and grandparents aged 65 or over. Only those requiring long-term personal care that cannot be delivered in the country in which they are living should be eligible to settle in the UK.

The rules for adult dependent relatives seek to ensure that only those who need to be physically close to and cared for by a close relative in the UK are able to settle here. Those who do not have such care needs can be supported financially in the country in which they live by their relative in the UK. Those most in need of care remain most likely to qualify, compared with those who simply have a preference to come and live in the UK with a relative here. The lawfulness of the rules was upheld by the Court of Appeal in May 2017.

The rules do not provide a route for every parent to join their adult child in the UK and settle here and it is not intended that they should do so. Overall, the rules represent a fairer deal for the taxpayer, given the significant NHS and social care costs which can arise when adult dependent relatives settle in the UK.

3. Background

3.1 Standard visitor visa

The standard visitor visa has now replaced the family visitor visa (as well as several other visa types). There is information about it at [Gov.uk](https://www.gov.uk).

A standard visitor visa costs £93 and usually allows a visitor to stay in the UK for up to six months.

UK Visas and Immigration³ publishes detailed [Visit guidance](#) (updated 11 January 2018) for use by Home Office staff.

3.2 Abolition of full right of appeal

The full right of appeal in family visitor visa cases was abolished in 2013, by section 52 of the *Crime and Courts Act 2013*.⁴

The success rate for family visitor visa appeals, prior to abolition, was around 1 in 3. Government analysis indicated that additional evidence submitted at appeal stage had a significant influence over appeal outcomes.⁵ However, there was disagreement between the government and its critics over whether the use of additional evidence reflected a failure by the applicant (for not providing the evidence earlier) or the immigration authorities (for not indicating that it was required).

Government view

The Government emphasised that it was making various improvements to the visa application process to assist applicants. It argued that the right of appeal no longer serves its intended purpose, not least since it is considerably quicker and cheaper for a refused applicant to submit a new application rather than wait for an appeal to be processed.⁶ It estimated that abolishing the right of appeal would save “tens of millions of pounds” and would enable immigration tribunals to focus on more important types of case.⁷

³ UK Visas and Immigration is one of the Home Office directorates replacing the now abolished UK Border Agency

⁴ Home Office news story, [Right of appeal for family visit visas abolished](#), 25 June 2013

⁵ Home Office and UK Border Agency, [Family migration: a consultation](#), 13 July 2011 paragraphs 1.21 – 1.26

⁶ Ibid

⁷ Home Office news story, [Scrapping family visitor appeal rights will save millions](#), 12 May 2012

Opposition view

Labour opposed the abolition of family visitors' appeal rights, describing the move as "unfair and a false economy".⁸ The Joint Committee on Human Rights also expressed concerns.⁹

Counter-arguments

Defenders of family visitor visa appeal rights countered that access to an independent appeal tribunal is essential for applicants. They emphasised concerns about the quality of initial decision-making in visa applications, and the potential implications that a refusal decision may have for subsequent visa applications.¹⁰

⁸ [PBC Deb 5 February 2013 c355](#)

⁹ Joint Committee on Human Rights, [Legislative Scrutiny: Crime and Courts Bill](#), HL Paper 67/HC 771, 26 November 2012, paragraphs 76-83

¹⁰ [HL Deb 4 July 2012 c689-704](#)

4. Further reading

Gov.uk, [UK visitor visas](#)

Gov.uk, [Immigration Rules Appendix V: visitor rules](#)

Government of Canada, [Parent and grandparent super visa](#)

Independent Chief Inspector of Borders and Immigration, [Inspection report on family visitor visa applications](#), 16 July 2015

UK Visas and Immigration, [Family migration](#)

Provides links to full set of documents relating to 2011 consultation

Home Office, [Family migration: response to consultation](#), 2012

Home Office and UK Border Agency, [Family migration: a consultation](#), 13 July 2011

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