



DEBATE PACK

CDP 2019-0107 (2019) | 2 May 2019

Fair treatment for Commonwealth personnel in the armed forces

Westminster Hall

Wednesday 8 May 2019

2.30pm to 4.00pm

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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.

1. Background

Commonwealth citizens and those from the Republic of Ireland serve on the same terms of service as UK citizens and receive the same, pay, allowances, compensation, healthcare, benefits, welfare support and pensions. They are also subject to the same disciplinary procedures, honours, and awards as British soldiers.

In November 2018 the Government also removed the 5-year residency requirement for Commonwealth personnel wishing to enlist in the UK Armed Forces, in order to increase the number of Commonwealth recruits to 1,350 per year.

However, for Commonwealth soldiers wishing to bring family to the UK, there are a number of requirements which must be met in order for those family members to enter and remain in the UK. In addition to a valid passport and visa, individuals must also meet the English language requirement and suitability criteria relating to certain criminal convictions, including previous breaches of the UK's immigration laws.

Primarily, however, there is a Minimum Income Requirement which a Commonwealth soldier must meet before they can bring family to the UK:

Gross annual income* of at least £18,600

An additional £3,800 for the first child** and an additional £2,400 for each additional child. If applying for children separately, then the level of financial requirement to be met will depend upon the number of children who already have leave or who are applying for leave.

Partner with no children – £18,600

1 child in addition to the partner – £22,400

2 children in addition to the partner – £24,800

3 children in addition to the partner – £27,200

** income includes income from pensions, maternity allowance or bereavement benefit or specified benefit relating to service in HM Forces*

*** British Children IEEA nationals/ and those with ILR or applying for ILE on entry to the UK will not need to meet the financial requirement.*

There are no exemptions from this requirement and the guidance states that "If you cannot meet the requirement, then you are advised not to apply to bring your family over". As a result, many Commonwealth soldiers leave their families at home or are taking second jobs in order to meet the affordability criteria.

In addition, a [cross-party group](#) of over 130 MPs, led by Richard Graham and Madeleine Moon, are calling for visas fees for Commonwealth personnel to be waived. The British Legion is campaigning to “Stop the Service Charge” for Commonwealth personnel who wish to apply to remain in the UK with their spouse/dependents after they leave the armed forces. Commonwealth veterans are eligible to apply for indefinite leave to remain after four years’ service. The current application fee for indefinite leave to remain is £2,389. The fee is the same for main applicants and dependents. Applications for indefinite leave to remain for a family of four, for example, would therefore result in total application fees of £9,556. The Legion says “unlike their UK national colleagues, these personnel and their families can only continue to live in the country they’ve served at a significant financial cost. This is unfair and should end”. The Home Office says it has no plans to remove visa fees, saying “it would be unfair if certain applicants or routes benefited from free applications or reduced fees”.

This has been an issue of some concern to welfare charities who have argued that it breaches the Armed Forces Covenant’s obligation to ensure that soldiers are not unfairly disadvantaged due to their service.

The MoD has said that it “acknowledges that more needs to be done to improve awareness of non-British immigration issues amongst personnel and the Chain of Command, and this is subject to ongoing work” (Armed Forces Covenant Annual Report 2018).

2. Press Articles

The following is a selection of news and media articles relevant to this debate.

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[Army veterans are being punished with exorbitant immigration fees](#)

Left Foot Forward
Bethany Morris
24 April 2019

[Call to scrap visa fees for Commonwealth veterans of UK forces](#)

Guardian
Jessica Elgot
24 April 2019

[The tale of a Prime Minister, two Cabinet Secretaries, and a serving soldier's heartbroken family – will common decency prevail?](#)

Politics Home
Drew Hendry
5th March 2019

[Home Secretary Urged to Allow Commonwealth Soldiers to Bring Families to UK](#)

Forces Network
11 February 2019

[Commonwealth soldiers don't earn enough to bring families with them](#)

The Times (Subscription required)
Lucy Fisher
9 February 2019

[Challenging the Minimum Income Threshold for Commonwealth soldiers and their families](#)

The Army Families Federation and Confederation of Service Charities (Cobseo)
Louise Simpson
February 2019

['Join the British Army? Foreign nationals should read this first'](#)

The Scotsman
Martyn McLaughlin
7 November 2018

[Armed forces to face family visa restrictions](#)

BBC News
4 July 2013

3. Gov.uk

[Armed Forces to step up Commonwealth recruitment](#)

Ministry of Defence

5 November 2018

The Ministry of Defence has announced today that Britain's military will increase the number of Commonwealth recruits to 1350 per year, that will be introduced over several years.

The move builds on the long-held links Britain's military has with Commonwealth countries, where recruits from across the globe have bravely served in a variety of roles, in many conflicts.

The importance of the Commonwealth to the military is underlined by the fact that Britain already employs some 4500 Commonwealth citizens in the Armed Forces.

Minister for the Armed Forces Mark Lancaster said

As an outward-looking nation, Britain has always counted on the dedicated service of our friends from the Commonwealth to keep this country safe.

From Australia to Jamaica, to Fiji and South Africa, Commonwealth recruits are already playing a key role in our Armed Forces. So we're stepping up the numbers of recruits from the Commonwealth, knowing that they will bring key skills and dedicated service to our military.

Their different perspectives will also help us to enhance our cultural understanding, giving us an operational advantage over our adversaries. Of the 1350 new annual recruits, the Army is expecting to hire around 1000 personnel, with the Navy and the RAF expecting to recruit around 300 and 50 respectively.

The MOD previously had a five-year residency in the UK requirement, in order to allow Commonwealth personnel to qualify for recruitment into the Armed Forces. Today's announcement removes this requirement. As part of the phased approach, those who have already applied for Army roles but been on hold due to the limited numbers we were able to accept each year, will be given priority. The Royal Navy and RAF will begin recruitment procedures immediately, with Army applications opening in early 2019.

Roles and ranks will be open to Commonwealth citizens, from all Commonwealth countries, who are aged 18 or over and meet the necessary recruitment criteria for the service and role they wish to join. Security standards, will be assessed on a case by case basis, and may differ from the current UK security requirements.

In 2016 the five year residency requirement was waived to allow for 200 Commonwealth citizens with specialist skills apply for a limited number of roles.

In recent years, the Armed Forces has had more than 7500 Commonwealth citizens in its ranks, with a wide variety of countries represented, including Fiji, Ghana, South Africa, Jamaica, Australia and St Vincent.

4. PQs

[Visas: Commonwealth](#)

29 Apr 2019 | 247139

Asked by: Tulip Siddiq

To ask the Secretary of State for the Home Department, if his Department will remove visa charges for Commonwealth UK Armed Forces personnel and their immediate families when applying for Indefinite Leave to Remain.

Answering member: Caroline Nokes | Home Office

There are no plans to remove visa fees for Commonwealth armed forces personnel, or their immediate family members.

Fee concessions on the grounds of nationality are only available to meet legal or international convention obligations. It would be unfair if certain applicants or routes benefited from free applications or reduced fees, at the expense of others.

[Engagements](#)

24 Apr 2019 | 658 c744

Asked by: Richard Graham

Current immigration requirements oblige Commonwealth service- men and women to pay £2,389 to apply for indefinite leave to remain after four years' service, or almost £10,000 for a family of four. That considerable cost does not reflect the nation's respect for those who are prepared, in extremis, to give their lives for our country. I have therefore written a cross-party letter with the hon. Member for Bridgend (Mrs Moon), signed by 130 Members of Parliament, to the Home Secretary to seek his support to abolish these visa fees. At a time when the UK is chair of the Commonwealth, will my right hon. Friend and the Prime Minister give their support to this great non-party political cause, which is supported by the Royal British Legion?

Answering member: David Lidington | Cabinet Office

I want to pay tribute to men and women from Commonwealth countries who serve in our armed services. That service is something that this and previous Governments have valued enormously. On the particular point that my hon. Friend makes about immigration requirements, I am sure that my right hon. Friend the Home Secretary will take very seriously, and look very carefully at, the representations that my hon. Friend is making.

[Business of the House](#)

11 Apr 2019 | 658 c484

Asked by: Richard Graham

The last business questions before Easter is a good moment for cross-party unity, so may I draw the attention of the Leader of the House to the joint letter by the hon. Member for Bridgend (Mrs Moon)—the

president of the NATO Parliamentary Assembly—and myself on behalf of Commonwealth servicemen and women in our armed forces? The letter seeks to waive the application, after four years' service, for indefinite leave to remain, the cost of which has now risen to £10,000 for a family of four. I understand that the Defence Secretary has raised this issue with the Home Secretary. Meanwhile, may I seek the support and signatures of every Member present today, and the support of the Leader of the House, for both the issue and for a debate on it?

Answering member: Andrea Leadsom | Leader of the House

My hon. Friend raises an issue on which there will be a lot of support from across the House. I encourage him to seek an Adjournment debate or a Westminster Hall debate, so that all hon. Members may contribute to it.

Armed Forces: Foreign Nationals

13 Mar 2019 | HL14105

Asked by: Lord Luce

To ask Her Majesty's Government what are the criteria by which applications for the families of non-UK Commonwealth nationals serving in the UK armed forces to settle in the UK are decided.

Answering member: Baroness Williams of Trafford | Home Office

Family members of any member of the UK Armed Forces, regardless of the nationality of the service person, can apply for settlement in the UK under the Immigration Rules contained in Appendix Armed Forces.

The eligibility criteria for family members of members of the Forces are set out in full online in Appendix Armed Forces:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-armed-forces>

This makes clear that to be eligible for settlement in the UK requires the following criteria to be met. Partners of members of the Forces must have completed a period of 60 months limited leave under Appendix Armed Forces – sometimes called the “probationary period”. Partners and over-18 children must demonstrate sufficient knowledge of the English language and knowledge about life in the UK. Their sponsor in the Forces must meet the appropriate minimum income thresholds to sponsor a partner or children, and the applicant must not fall for refusal on suitability grounds.

Immigration: Commonwealth

21 Feb 2019 | 221629

Asked by: David Hanson

To ask the Secretary of State for the Home Department, how many Commonwealth nationals who are members of the British Armed Forces have applied for their (a) partner and (b) children to settle in the UK; and how many of those applications were (i) accepted and (ii) rejected due to lack of income in each year since 2013.

Answering member: Caroline Nokes | Home Office

We do not publish this specific data. This information could only be obtained by a manual case by case review to collate the data which would be disproportionately expensive.

Engagements

20 Feb 2019 | 654 c1467

Asked by: Shailesh Vara

The Prime Minister will be aware that the British Army has engaged in a recruitment campaign in Commonwealth countries. However, only after soldiers have signed up for minimum four-year contracts do they find out that they are not allowed to bring their children to this country. Given that these brave women and men are prepared to put their lives on the line for us and our country, I hope that she will agree that this needs to be looked into urgently. Will she therefore kindly agree to meet me and others concerned to see how this matter can be progressed?

Answered by: Theresa May | Prime Minister

I am aware of the issue that my hon. Friend has raised. I am told by the Ministry of Defence that it does make sure that information is available to individuals about what their situation will be. This matter is not just of concern to the MOD; obviously, the issue of the immigration rules rests with the Home Office as well. I will certainly meet him to discuss this issue.

5. Other Parliamentary material

5.1 Debates

[Families of Commonwealth Soldiers](#) [Extract] 05 March 2019 | 655 cc930-938

Drew Hendry

I am deeply grateful for the opportunity to raise this issue. Let me begin by paying tribute to all the men and women who serve in our armed forces. They put their lives on the line to protect ours, and those of millions of people around the world.

My constituency is home to Fort George, the Black Watch, 3rd Battalion, and 500 soldiers. To them, and each and every one of the others, we owe a debt of gratitude for their service. That, of course, includes more than 6,000 men and women serving in the armed forces from foreign and Commonwealth countries, a number that is set to increase as the Army embarks on yet more recruitment campaigns across the Commonwealth.

In response to the hon. Member for Blaenau Gwent (Nick Smith), the Defence Secretary has said:

“We expect up to 1,350 Commonwealth citizens to join our armed forces next year.”—[Official Report, 26 November 2018; Vol. 650, c. 3.]

Like any other soldiers, sailors and aircrew, they will put their lives on the line in our service, and they will do so under the direction of this Government’s Ministry of Defence. Reflected in their service is the sacrifice also made by their families, who will find themselves affected. They are sometimes uprooted, and often left with the anxiety of knowing that their loved ones are doing a difficult and dangerous job.

[...]

...As I was going on to say, the sacrifice is also made by the families. They have the anxiety of their loved ones doing a difficult and dangerous job, yet their sacrifices often go untold.

As the Army Families Federation has said:

“Commonwealth members of our Armed Forces make up a significant and vital part of the UK’s Defence capability and, as a nation, we ask them to make significant sacrifices to do so.”

Is it right that the sacrifices they make in undertaking the duty of service should mean being kept apart from their families? No, it is simply not right; yet it is continually happening. The current immigration rules are keeping Commonwealth soldiers apart from their families. The report from the AFF reads:

“The UK recruits soldiers from across the Commonwealth to serve in our Armed Forces. There are currently over 6,000 personnel serving in the UK Armed Forces from foreign and Commonwealth countries, with more being recruited each year to fill technical and specialist roles.

Since December 2013, those who leave their country of origin to serve our nation are subjected to the Government’s minimum income requirements if they wish to bring their immediate family with them.

This requirement means that due to military pay scales, a Commonwealth soldier with a spouse and two children can end up waiting up to six years before they earn over the £24,800 needed for their family to join them.

It cannot be right that those who have signed up to defend our nation by serving in the Armed Forces are doing so at the expense of their family life. The current situation can result in personnel making the heart-breaking decision of choosing which child they bring with them to the UK and which they leave behind until their income has increased. The MIT should be removed as a barrier from those who serve in the Armed Forces.”

As Louise Simpson, chair of the COBSEO Foreign and Commonwealth cluster, has said:

“We struggle to engage with recruiters to make sure that soldiers and service personnel understand the financial commitment that they have when coming to the UK particularly around the cost of visas and the minimum income requirements. There was a lot of press...about soldiers not understanding that they may not be able to bring their children in for almost 4 years because they are not earning the right amount of money. As an organisation, we feel that is immoral”.

She is right; that is immoral. This Government must accept that fact.

[...]

Caroline Nokes

Well, of course. I think I have already indicated that we have to look at the needs of not only service personnel and former service personnel but their families when considering our obligations under the covenant.

As the subject of today’s debate is families of commonwealth soldiers, I trust that hon. Members would find it helpful if I set out some of the Government’s policy background. From December 2013, a dedicated part of the immigration rules known as “Appendix Armed Forces” was introduced. As the name suggests, it was developed especially for the family members of those who had chosen to enlist as members of Her Majesty’s forces. The purpose of the change was to align dedicated routes with the broader immigration framework. It was also designed, with joint input from the MOD, to ensure that the provisions therein fulfilled our obligations under the armed forces covenant. Although the military sponsor remains exempt from immigration controls for the duration of their service, family members who come to

the UK to join them are considered under the dedicated rules for Her Majesty's forces families in "Appendix Armed Forces".

As members of Her Majesty's forces are regularly posted abroad and their families are rightly encouraged to accompany them, the rules make special provisions to account for that. First, a standard grant of limited leave for Her Majesty's forces family members is for five years, rather than the 30 months that is standard for other family applications. Importantly, that saves them the cost of a second application fee. Secondly, time spent overseas on an accompanied posting is treated as time spent in the UK for immigration purposes. That means that any time spent accompanying their partner or parent on an overseas posting does not prejudice their eligibility for settlement after spending five years with limited leave. We are proud of our continuing commitment to our armed forces and their family members, including Commonwealth nationals who bravely offer their service to Her Majesty the Queen and our country. As I have indicated, I am committed to ensuring we uphold our obligations and do right by all members of the forces and their families.

As the Minister with overall responsibility for immigration matters, I am acutely aware that some of the applications received by my Department fall into what can be called the "complex cases". I thank the hon. Gentleman for taking the trouble to set out his constituents' cases in such detail. He will of course know that I cannot comment on the detail of individual cases on the Floor of the House. I hope he will understand that I can speak only in general terms. Without going into specifics, I accept that applications involving families can involve a variety of reasons, as family dynamics themselves can become ever more complex. This is not isolated from marriage or relationship breakdowns, the setting up of new family units and myriad other causes.

Although I shall certainly not speak about specifics, it is important to explain some of the background. These applications can be, by their very nature, time-consuming for decision makers to consider, and I make no apology for that. Although we are striving to have more streamlined processes, we must never lose sight of the fact that one of our primary duties is the protection of the public. That is especially true when we are looking at applications made on behalf of children. In some cases, the application may not have been properly completed, or there might be gaps in the provision of the information that we require to make a sound, well-balanced decision. In some instances, it may well be that we ask for more information, or that we ask to speak to the sponsor.

Such additional measures are taken only when it would assist the decision-making process and other options have been exhausted. Understandably, that might be frustrating for some sponsors or applicants, but we will do it only to safeguard the interests of the applicant. All Members will be aware that we have statutory obligations to minors and to others who may be vulnerable for other reasons. Again, I make no apology for officials being assiduous in making responsible decisions.

My right hon. Friend the Home Secretary and I are conscious of the hon. Gentleman's point about the income threshold and how it might affect

Army families. Although I stand firmly by the principle of the minimum income threshold, I reassure the hon. Gentleman that I have listened carefully to the points he has made this evening.

The Government have a proud tradition of supporting our armed forces and recognising the invaluable service that they give to the United Kingdom, and that includes Commonwealth nationals who come to the UK to serve in the forces. That is one reason why we explicitly provide for Commonwealth personnel to obtain settled status after they have discharged, enabling them to remain in the UK permanently and, if they wish, to become British citizens. We also recognise the valuable role that families play in supporting our armed forces, which is why we have immigration rules specifically for forces family members. We greatly value the contribution and sacrifices made by Commonwealth members of the forces, and their families, in ensuring the security of the UK and protecting our citizens. We want them to go on playing an important role in our armed forces, and we are committed to upholding our obligations to them.

5.2 Written Statements

[Armed Forces: Commonwealth Recruitment](#)

05 November 2018 | 648

The Minister for the Armed Forces (Mark Lancaster)

Citizens from the Commonwealth have a long tradition of serving with distinction in the Armed Forces. In the light of changes to the size of our armed forces a five-year UK residency criterion for Commonwealth citizens wishing to join the armed forces was re-imposed in 2013. A limited waiver to this requirement was introduced in May 2016 to recruit up to 200 Commonwealth personnel per annum to fill skill shortage posts. We have now decided to remove the five-year UK residency criterion for Commonwealth citizens and increase recruitment to 1,350 across the Royal Navy, British Army and Royal Air Force. Applications will be accepted from all Commonwealth countries, although in order to mitigate the risks associated with unaccompanied minors travelling to the UK without the guarantee of a job, we will not be accepting applications from those under 18. Applicants from Commonwealth countries will need to meet all necessary recruitment criteria for the service and role they wish to join. Security standards will be assessed on a case by case basis, and may differ from the current UK security requirements. In 2009[1] a 15% limit on foreign and Commonwealth nationals in a number of areas of the Army (the Royal Logistic Corps (RLC), the Royal Army Dental Corps (RADDC) and the Queen Alexandra's Royal Army Nursing Corps (QARANC) was established as a necessary and proportionate requirement to sustain operational effectiveness. As we now intend to increase the numbers of Commonwealth citizens joining across the full spread of Army roles, we have concluded that it is appropriate to both limit the overall numbers recruited, and to replicate the 15% limit across all cap badges. The requirement for individuals to have Indefinite Leave to Remain (ILR) or Indefinite Leave to Enter (ILE) to join the reserves has not been changed.

This will not affect personnel from the Republic of Ireland, or those in the Brigade of Gurkhas. This policy will be kept under review.

[1] Written Ministerial Statement "Army Nationality Policy" dated 2 February 2009

5.3 Early Day Motions

Foreign and Commonwealth forces personnel

EDM 2164 (session 2017-19)

Sir Edward Davey

11 March 2019

That this House recognises the enormous contribution made by thousands of Foreign and Commonwealth members of the UK's Armed Forces; notes that those who have served for at least four years are eligible to apply for indefinite leave to enter or remain in the UK for themselves, their partners and their children; further notes that the fee for such applications has more than doubled in the last four years to £2,389 per person; believes that Armed Forces personnel should not be prevented from settling in the UK or forced into debt by these exorbitant fees; and calls on the Government to waive immigration application fees for members of the Armed Forces and their families.

6. Further reading

Dr Catherine Pearson and Dr Nick Caddick '[Meeting the Needs of Commonwealth Personnel and Families: A Map of Service Provision](#)', Forces in Mind Trust and others, March 2018

[Family members of HM Forces Statement of Intent: changes to the Immigration Rules from December 2013](#), Home Office, July 2013

[Army Families Federation page on the Commonwealth](#)

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