



Home Office

**UK Border
Agency**

ANALYSIS OF MARRIAGE VISA CONSULTATION RESPONSES

JUNE 2008

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INTRODUCTION BY LIAM BYRNE MP **MINISTER OF STATE FOR BORDERS AND IMMIGRATION (HOME OFFICE) AND MINISTER OF STATE WITH RESPONSIBILITY FOR REVENUE PROTECTION AT THE BORDER (HM TREASURY)**



Over the course of 2008 we are 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 visa system for short term visits and as part of these changes we are updating arrangements for spouse visas.

Many people have a stake in us getting the reform of the spouse visa system right. We have therefore consulted extremely carefully, publishing in December 2007 two consultation documents proposing new arrangements for marriage visas: *Marriage to partners from overseas* and *Marriage visas: pre-entry English requirement for spouses*.

Given the sensitivity of reform in this field we are seeking to engage not only the views of the public and organisations with which we work closely, but also Parliament. We are therefore publishing today the result of our consultation to follow up a report by the Home Affairs Select Committee published last Friday. We will now seek the views and counsel of Members of Parliament and the House of Lords before finalising our proposals before the summer.

The consultation on pre-entry English requirements for spouses aimed to seek a range of views concerning potential future requirements for overseas spouses who apply for leave to enter the UK to join their partners, to demonstrate some knowledge of English before arrival.

The consultation on marriage to partners from overseas aimed to seek a range of views to inform potential changes to arrangements governing the issue of marriage visas and applications for settlement based on such a visa, whilst ensuring that those who are at risk of being pressurised into marriage to a partner from overseas are protected.

The consultation period ran from 5 December 2007 to 27 February 2008.

The consultation on marriage to partners from overseas received 56 consultation responses during the consultation period, whilst the consultation on pre-entry English requirements received a total of 101 responses.

Today we are publishing the outcome of that consultation exercise. We value the views of those who have contributed to this consultation process and we will consider their views as we take forward our work in this area.

A handwritten signature in black ink that reads "Liam Byrne". The signature is written in a cursive style and is positioned above a horizontal line that serves as a separator.

Liam Byrne MP
Minister of State for Borders and Immigration (Home Office) and Minister of State with responsibility for Revenue Protection at the Border (HM Treasury)

KEY FINDINGS

Key findings from the marriage visa consultations are as follows.

PROPOSAL TO INCREASE MINIMUM AGE OF SPONSORSHIP FROM 18 TO 21

- Thirty of the 51 respondents who answered the question supported proposals to increase the minimum age at which a person may sponsor, or be sponsored as a spouse, from 18 to 21 years. Nineteen respondents did not support the proposals; a further two expressed mixed views.

DECLARATION OF INTENTION TO SPONSOR

- Of 46 respondents who answered the question, 37 agreed that those intending to sponsor should declare their intention before leaving the UK. Nine respondents disagreed with the proposal.

CODE OF PRACTICE

- Thirty-four of the 43 respondents who answered the question supported the introduction of a Code of Practice.

VULNERABILITY INDICATORS

- Twenty-five respondents suggested potential indicators of vulnerability to a forced marriage, including family and economic background (seven respondents), level of education (seven respondents) and disability - either mental or physical (six respondents). Fifteen respondents suggested, however, that using such 'vulnerability indicators' could be discriminatory and that many such indicators could be present in legitimate marriages.

REVOCAION OF INDEFINITE LEAVE TO REMAIN

- Thirty-three out of 45 respondents supported the revocation of Indefinite Leave to Remain (ILR) following abandonment of a spouse, but possibly with a time limit after the marriage. Thirty-six out of 46 respondents also supported revocation of ILR following evidence of abuse of the marriage route to gain settlement.

REQUIREMENT FOR SPOUSES TO DEMONSTRATE KNOWLEDGE OF ENGLISH PRIOR TO ENTRY TO THE UK

- Of the 101 respondents who answered the question, 68 disagreed with the proposal for spouses to demonstrate knowledge of English before they enter the UK: 31 respondents being in agreement and two respondents giving a mixed response.
- Overall, responses to the consultation suggest that there is appreciation from respondents (including those who disagreed with the proposal) regarding the importance of learning English. A common theme expressed throughout the consultation responses was that English was best learnt in the UK where facilities are available and the spouse is immersed in the British way of life.

EXECUTIVE SUMMARY

In December 2007 we published two consultation documents proposing new arrangements for marriage visas: Marriage to partners from overseas and Marriage visas: pre-entry English requirement for spouses.

The Home Office consultation on marriage to partners from overseas aimed to seek a range of views to inform potential changes to arrangements governing the issue of marriage visas and applications for settlement based on such a visa, whilst ensuring that those who are at risk of being pressurised into marriage to a partner from overseas are protected.

The consultation on pre-entry English requirements for spouses aimed to seek a range of views concerning potential future requirements for overseas spouses who apply for leave to enter the UK to join their partners, to demonstrate some knowledge of English before arrival.

The consultation period for both consultations ran from 5 December 2007–27 February 2008.

The marriage to partners from overseas consultation received a total of 56 responses during the consultation period. Twenty-one of these responses came from individual members of the public and 32 from a wide range of local and central government bodies, education institutions, charities and voluntary sector organisations. Three responses could not be attributed to either individuals or organisations.

The pre-entry English requirement for spouses consultation, received a total of 101 responses during the consultation period. Of the 101 respondents to the consultation, 95 were able to be identified as either an individual or organisation. Thirty-eight responses came from individual members of the public, 23 from community or voluntary organisations or charities, 15 from educational institutions, 11 from immigration advisers or law practitioners, four from local government, and two from central government. A further two responses came from other bodies. Sixty-five of the 81 respondents who provided details of their citizenship were British citizens.¹ Nineteen respondents either

had a spouse currently living outside the UK or recently had a spouse join them from overseas.

Key findings from both consultations are outlined below. The findings are based on the responses of a relatively small self-selected group and are not a random sample. Therefore the findings cannot necessarily be considered representative of the general population. As would be expected for a public consultation of this sort, it serves to show the range of perspectives that exist, to inform consideration of policy.

KEY FINDINGS – MARRIAGE TO PARTNERS FROM OVERSEAS

Proposal to increase minimum age of sponsorship from 18 to 21

Thirty of the 51 respondents who answered the question supported proposals to increase the minimum age at which a person may sponsor, or be sponsored as a spouse, from 18 to 21 years. Nineteen respondents did not support the proposals; a further two expressed mixed views.

Supporters of the increased sponsorship age felt the proposal:²

- provided an opportunity for individuals to develop maturity and life skills (11 respondents);
- removed young people from parental pressure to marry (three respondents); and
- gave them an opportunity to complete education and training (five respondents).

Opponents raised a variety of reasons against the proposal, stating that it:³

- could be perceived as discrimination based on cultural differences (11 respondents);
- was detrimental to the human rights of young people (three respondents);

¹ This does not include just the individual respondents. People responding on behalf of an organisation also provided details of their citizenship.

² Not all those who agreed with the proposal provided additional comment so comments will not total 30.

³ Not all those who disagreed with the proposal provided additional comment so comments will not total 19.

- would not prevent forced marriage since this affects people of all ages (seven respondents); and
- would penalise those with genuine marriage intentions (seven respondents).

Organisations were more likely than individuals to support the proposal to raise the age from 18 to 21. Nineteen of the 32 organisations expressed agreement, whilst individual respondents were divided equally with eight supporting and eight disagreeing with the proposal.

Two organisations had mixed views on the proposal. Their initial reaction was supportive but they had concerns that young people would be taken overseas until they reached 21 and could get married and therefore endure longer periods of abuse.

Declaration of intention to sponsor

Of 46 respondents who answered the question, 37 agreed that those intending to sponsor should declare their intention before leaving the UK. Nine respondents disagreed with the proposal. Thirteen of the 37 supporters felt the proposal could help prevent forced marriage by increasing awareness of intentions in advance. However, there were several concerns over the practical implementation and potential impacts on legitimate marriages, both from respondents who agreed and those who disagreed with the proposals.

Code of Practice

The introduction of a Code of Practice was supported by 34 of the 43 respondents who answered this question. Among supporters, a Code of Practice was seen as offering consistency and guidance by nine respondents and providing a safeguard to protect the vulnerable by a further four respondents. Four of the nine respondents who disagreed with a Code of Practice were concerned about how a code would deal with cultural differences and felt there was a risk of stereotyping particular ethnic groups.

Vulnerability indicators

Twenty-five respondents suggested potential indicators of vulnerability to a forced marriage⁴, including family and economic background (seven respondents), level of education (seven respondents); disability - either mental or physical (six respondents); and evidence from previous marriages or spousal applications (four respondents).

Fifteen respondents suggested, however, that using such 'vulnerability indicators' could be discriminatory and that many such indicators could be present in legitimate marriages.

Revocation of indefinite leave to remain

Thirty-three out of 45 respondents supported the revocation of Indefinite Leave to Remain (ILR) following abandonment of a spouse. Organisations and individuals were equally likely to support this proposal.

Eleven respondents who supported the revocation of Indefinite Leave to Remain (ILR) following abandonment of a spouse commented on the time period in which ILR should be revoked. Five of these respondents felt it should be possible to revoke ILR within five years of it being granted. There was support from two respondents for acting prior to revocation, including the provision of support and counselling to partners and three respondents expressed a need for full investigation of individual circumstances.

Thirty-six out of 46 respondents also supported revocation of ILR following evidence of abuse of the marriage route to gain settlement. Selecting from a variety of possible sanctions for use when the marriage route is abused, revocation of ILR (17 respondents) and refusal of further leave to remain (15 respondents) were the most frequently selected sanctions.

⁴ Please note respondents could give more than one response to this question.

Five respondents of the 12 who disagreed with the revocation of ILR if the partner is abandoned were concerned about the impact on a settled partner who may have to leave behind children, extended family, property and economic interests. Five respondents also felt that this proposal may force a partner to stay in an abusive relationship.

KEY FINDINGS – PRE-ENTRY ENGLISH REQUIREMENT FOR SPOUSES

Requirement for spouses to demonstrate knowledge of English prior to entry to the UK

Of the 101 respondents to the question, 68 disagreed with the proposal that spouses should be required to demonstrate knowledge of English before entering the UK. Thirty-one respondents were supportive of the proposal, whilst two had mixed views. Organisations were slightly more likely to disagree with the proposal (45 out of 57 organisations disagreed) whilst individual members of the public were more divided (21 individuals disagreed and 16 agreed).

Concerns about a pre-entry English requirement were described by 66 respondents who disagreed with the proposal. Key themes included:

- the potential difficulties of accessing English language lessons overseas owing to limited provision or affordability (as mentioned by 28 respondents); and
- perceptions that the proposals are contrary to the right to family life and/or that proposals conflict with individual human rights (15 respondents).

A common theme expressed throughout other question responses was that English was best learnt in the UK where facilities are available and the spouse is immersed in the British way of life.

Of 21 respondents who stated why they supported a pre-entry English requirement, the following reasons were given.⁵

- A lack of English prevents integration into the wider UK society and creates communication problems (14 respondents).
- There is a cost to the UK of translation services for non-English speakers (four respondents).

- English skills could both improve employment opportunities and free spouses from being tied to home and family (seven respondents).

Objectives behind the introduction of a pre-entry English language requirement

In contrast to the responses regarding pre-entry testing where there was clear disagreement with the proposal, respondents were generally more divided when asked whether they felt the objectives behind the proposal were well founded. Responses to the three objectives were as follows.

Objective 1: to assist the spouse's integration into British society at an early stage. Of the 84 respondents to the question, 36 agreed that this objective is well founded, but 48 respondents disagreed.

Objective 2: to improve employment chances for those who have access to the labour market. Of the 82 respondents to this question, 39 respondents agreed that this objective was well founded, whilst 40 disagreed. Three respondents had mixed views.

Objective 3: to raise awareness of the importance of language and prepare for settlement tests. Of the 82 respondents to this question, 35 respondents agreed that this objective was well founded, whilst 44 disagreed. Three respondents had mixed views.

Twenty-two respondents also suggested further objectives they felt relevant to support the introduction of a pre-entry English requirements. These are outlined in the full report.

Application for temporary leave to learn English in the UK

Of the 68 respondents who answered the question, 47 felt that a spouse should be allowed to apply for temporary leave to remain in the UK if they did not meet the required English standard prior to entry. Eighteen disagreed with the proposal and a further three had mixed views.

Six of those supporting the proposal for temporary leave to remain chose to reiterate their earlier views that English is best learnt in the UK, and a further four respondents maintained that it is unfair to separate spouses on the basis of English language

⁵ Respondents could give more than one response to this question.

ability, preferring a temporary leave allowance. There was a view among three respondents that making this allowance would recognise that individuals learn at different speeds and two respondents suggested it could be a compromise subject to passing a further test in the UK.

Eleven respondents commented further on why they disagreed with the proposal for temporary leave to remain, citing reasons such as the proposal being contradictory to the requirement for English language skills (three respondents), potentially causing a reduction in English language learning in other countries (four respondents) or that those with temporary leave to remain may ‘disappear’ after being granted temporary leave and never meet the language requirement (two respondents).

Overall, responses to the consultation suggest that there is appreciation from respondents (including those who disagreed with the proposal) regarding the importance of learning English whilst in the UK, particularly for integration. Nevertheless, they did not support enforcement of this requirement prior to entry.

Format of a potential pre-entry English language test

When asked what the content of an English language test should consist of, over half (32 of the 59 respondents to answer the question) supported inclusion of key everyday phrases. Twenty-three respondents supported a vocabulary requirement only and 20 supported the inclusion of key phrases from a booklet on living and working in Britain.⁶ Thirty-six respondents made specific suggestions for other content in the test including seven respondents who suggested the test be based on specific standards such as ESOL.⁷

An oral test format to assess English language skills had most support among respondents, with 40 respondents agreeing it was most appropriate. This was followed by a listening test, which received support from 33 respondents. A written test was the least popular option, receiving agreement from just 21 respondents. However, 24 respondents expressed

the view that a test was not required at all or that any testing should take place in the UK. Several respondents suggested alternative test contents and procedures or that existing tests such as ‘Life in the UK’ could be used.⁸

When asked what level of test should be used, respondents were most likely to say no test at all should be used (as expressed by 37 respondents), followed by a test other than those suggested in the consultation (as expressed by 34 respondents). From the CEFR (Community European Framework of Reference for Languages) test levels put forward in the consultation, CEFR level A1 had greatest support, with 14 respondents to this question indicating it was an appropriate level. Other tests suggested were more informal testing, tests dependent on the background of the individual, for example in terms of level of academic attainment, and tests linked into existing programmes.

Respondents suggested a range of locations within and outside the UK where testing could take place, emphasising the need for security and accessibility. In the UK, government-run test centres, language schools and community facilities were suggested. Outside the UK it was suggested the test should form part of the visa application process and that it be carried out at the appropriate Embassy, High Commission or British Council premises.

There was some sympathy from respondents for some applicants with mental or physical impairments to be exempt from taking the English language test.

Fifty-one respondents commented on how they thought language learning materials could be made universally available and on the related practicalities. Suggestions included: online materials and downloadable resources with a number of websites mentioned (ten respondents); widely available hardcopy resources (seven respondents); and classroom materials and teaching packs (five respondents). Concerns were raised about wider accessibility to facilities such as the internet (eight respondents),⁹ potential for abuse of the system abroad (five respondents) and costs (seven respondents).

⁶ This booklet refers to a potential future publication by the UK Border Agency about living and working in Britain. Work is still in progress on this booklet, but it could be adapted for migrants to study in relation to English language requirements. This booklet would not be the same as the *Life in the UK* book.

⁷ A complete list of responses is outlined in the full text, responses were not mutually exclusive.

⁸ Response options to this question were not mutually exclusive.

⁹ A complete list of responses is outlined in the full text, responses were not mutually exclusive.

MARRIAGE TO PARTNERS FROM OVERSEAS

ANALYSIS OF CONSULTATION RESPONSES

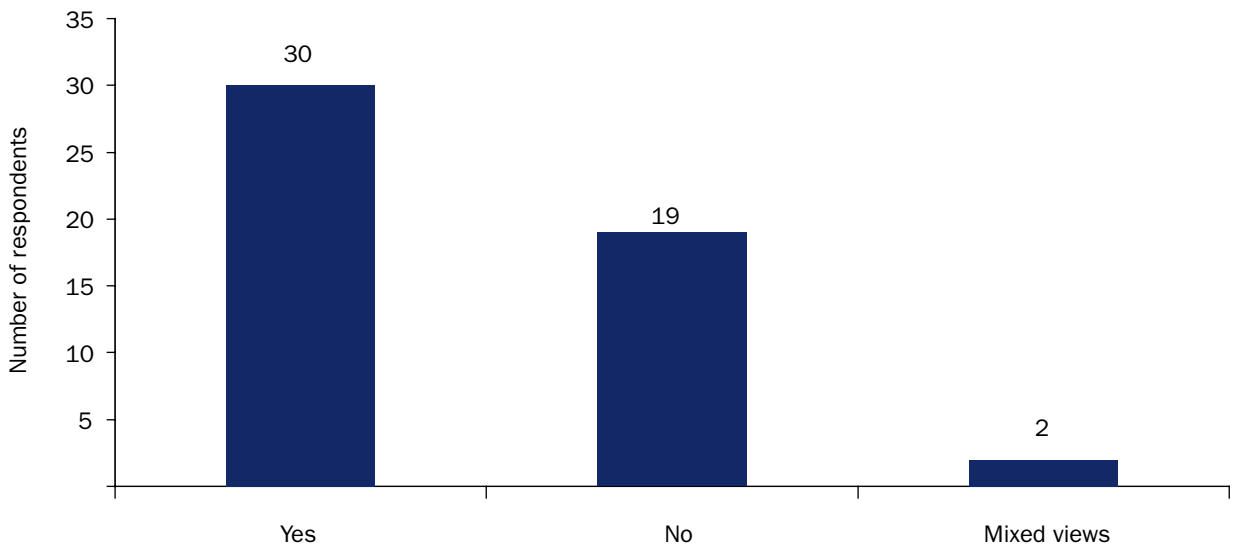
QUESTIONNAIRE RESULTS

Please see Annex 1 for the consultation methodology. Annex 2 provides details of the respondent profile and Annex 3 provides a list of responding organisations.

Question 1 Do you think we should increase the minimum age at which someone could sponsor or be sponsored as a spouse, from 18 to 21?

Of 51 respondents who answered the question, 30 were positive about increasing the minimum age for sponsorship whilst 19 disagreed with this proposal. Two respondents expressed a mixed view, that is they ticked neither yes nor no and made open comments that did not commit them clearly either way. These responses are shown in Figure 1.

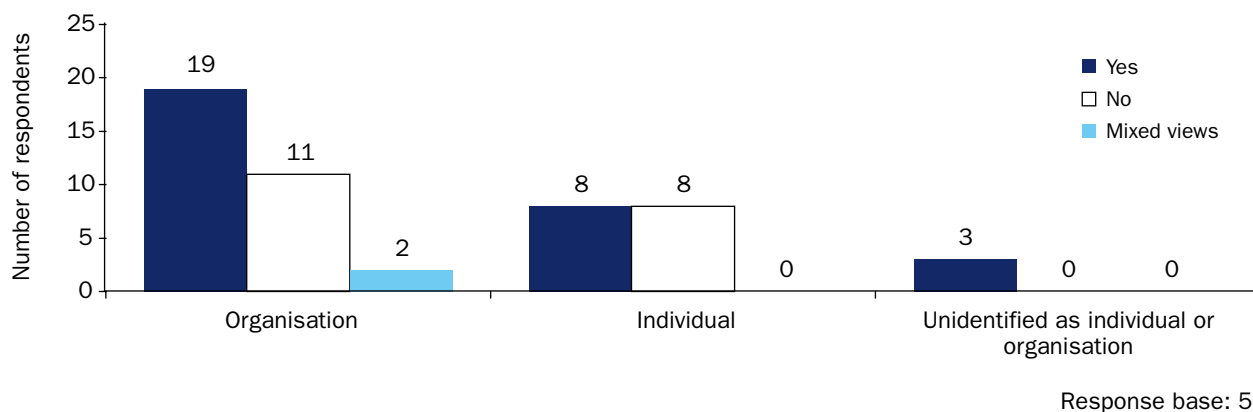
Figure 1. All responses



Response base: 51

Organisations were more likely to be supportive of this proposal, with 19 of the 32 organisations who responded expressing agreement. Individuals were divided on this question with eight supporting and eight disagreeing with the proposal. The mixed views expressed came from organisations. Five individuals did not provide a response to this question. Three respondents could not be identified as either an organisation or an individual. Figure 2 shows views on this proposal by respondent type.

Figure 2. Response breakdown by individual and organisation



Comments in support of the proposal

Twenty-one of the 30 respondents who agreed with the proposal, commented on their positive response.

- Eleven respondents commented on the need to focus on maturity and life skills. They stated it was not just a case of increasing the minimum age, but a need to test that the sponsor, and the person being sponsored, had a level of maturity. Raising the age for sponsorship would give individuals more time to complete their education and gain maturity and life skills. This would prepare them for marriage and help ensure they were not being forced into this commitment.

“There should be some assessment to verify that couples have gained sufficient maturity and possess adequate life skills ... This would prevent both forced and bogus marriages from occurring and improve the chances of other marriages lasting.” (Other organisation)

“Those wishing to sponsor a marriage partner from overseas should be encouraged to establish an independent adult life here first.” (Individual)

- Five respondents referred specifically to the opportunity the increase in sponsorship age would provide for young people to complete their education.

“I think this would help protect people’s rights and allow them the breathing space to complete education/training.” (Individual)

- Four respondents made further comments regarding forced marriage and education.

“I have come across many situations of (mostly) young women, aged 14 years, being taken out of school, and (due to taking unauthorised absence) being taken out of the school system, taken abroad, married off, then being returned to the UK and not being allowed to go back into education. House visitors and extended family are told ‘not to tell’ anyone from school, the young person being hidden in the house, cellar, attic or a bedroom when anyone visits.” (Individual)

- Parental pressure on younger people to marry was raised by three respondents who felt that raising the age may help to prevent this in future.

“Asian communities are very close knit and parents do apply a lot of pressure on their children to agree to an arranged marriage abroad. Increasing the age limit may help the problem somewhat.” (Individual)

- Two respondents raised concerns about under-age girls being married but waiting until they reached 21 to sponsor their partner. One of these respondents (an organisation) suggested that, in addition to raising the age for sponsorship to 21 years, it should not be possible to sponsor a partner whom you have married more than two or three years before you reach the age of 21.

- One respondent supported the proposal as they felt it would give a young person time to seek support if they felt they were being forced into marriage. However, this organisation was concerned that young people may be taken out of the country until they reach the age of 21 and have to endure a longer period of abuse.

- Ten respondents stated their agreement with the proposals but added little or no further clarification of their views.

Comments opposing the proposal

Seventeen of the 19 respondents who disagreed with this proposal commented on their answer and raised four main issues, which are noted below.

- Eleven respondents thought the proposed change in the age of sponsorship could be viewed as discrimination based on cultural differences. They expressed the view that raising the minimum age equated to discrimination against a culture.

“This is plain discrimination in the basis of nationality and it would affect ethnic minorities hugely as they tend to marry at an early age than their white European counterparts.” (Individual)

They also objected to the discrepancy it would raise with other laws.

“This change forcing some people to delay marriage is discriminating against their culture.” (Individual)

“How can the change in visa requirement be out of alignment with the current legal age to marry?” (Individual)

“How can a person be mature enough to be able to marry someone in the UK (or other EU states) but not be mature to be able to marry someone from abroad? Is this not discriminatory?” (Individual)

One respondent stated that marriage occurs at a younger age in many communities because there are no ‘relationships before marriage’.

- In a similar vein, three respondents felt that the proposed change would constitute a breach of human rights.

“It is a fundamental right for any individual to marry at the legal age of marriage ... When the government is thinking of lowering the age to 16 for voting, it seems that young people are mature enough to decide who will run the country but not as to who they should marry ... It is very unreasonable for the state to interfere with individuals’ human rights and the right to make a choice.” (Voluntary/community organisation)

- One respondent said that the age associated with adult maturity should stay consistent.

“A person is considered an adult in the eyes of the law at 18, they are able to serve in the military and put their life at stake. Why then would that same person not be considered capable of making the decision to marry if they choose?” (Other organisation)

- Seven respondents said that this proposal will not stop the majority of forced marriages, which affect people of all ages, but would impact unfairly on the majority of marriages that are not forced.

“Forced marriages can happen and will happen beyond the age of 21 and so this rule isn’t going to affect them. The minority of all marriages that are forced will still go on.” (Individual)

“It is not relevant in the context of Asian families how old an unmarried child is; while they remain unmarried they are under the strictest control of their parents and can be coerced into a sham marriage.” (Individual)

- Raising the minimum age of sponsorship was felt by seven respondents to penalise those that are genuine in their marriage intentions. Two respondents mentioned adverse emotional effects of keeping ‘loved ones’ apart.

“This measure would cause more harm and suffering for people who wish to be with their loved ones.” (Individual)

“It is commendable that you seek to protect young people from coercion and exploitation, but it must be possible to devise some way of doing so that does not penalise those who genuinely wish to marry willing foreign partners.” (Individual)

- Three respondents raised concerns that there may be a rush of marriages before this proposal became law or that young people would be taken overseas to marry before the age of 21 if this change were implemented.

Comments from organisations expressing mixed views

Two organisations expressed mixed views. These respondents saw both the advantages and disadvantages of increasing the minimum age of sponsorship. Both organisations first indicated that increasing the age was a good idea but expressed some concerns, as shown in the comments below.

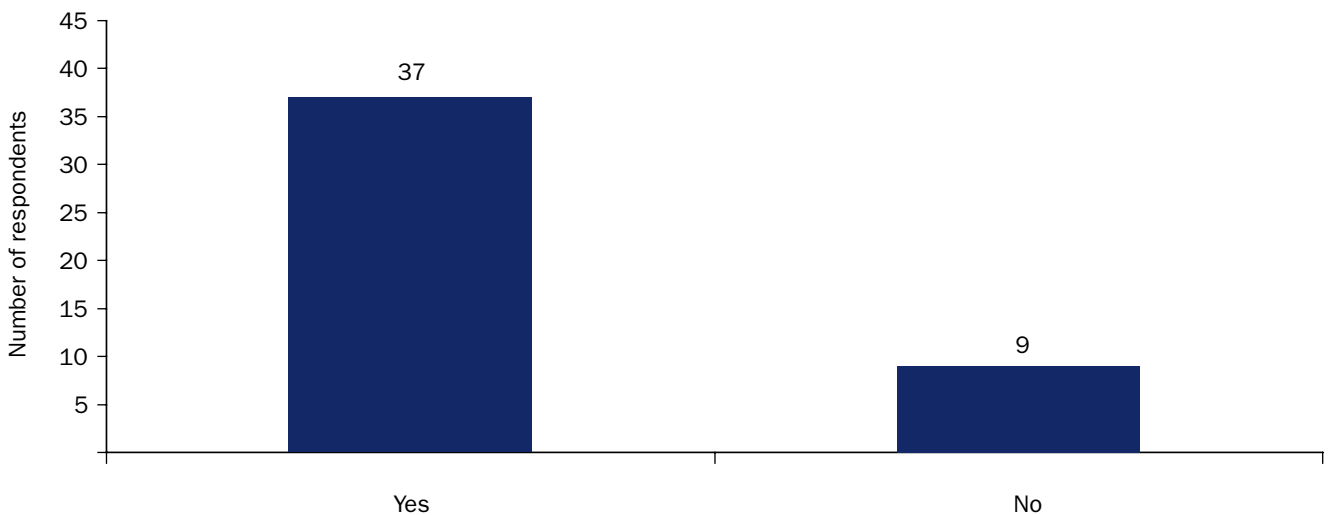
“The group could see advantages and benefits for both scenarios i.e. 18 or 21 yrs of age. Initially, a rise to 21 yrs was met with approval. However, concerns were raised over someone remaining overseas for an extra 3 yrs i.e. 18-21 yrs, possibly feeling ‘trapped’ for longer.” (Central government)

“Increasing the minimum age at which someone can sponsor a spouse will give the young person time to find support from friends or organisations dealing with matters such as forced marriages. But on the other hand the problem could also increase, as parents may take the children back to their country of origin at even an earlier age and leave them there ‘till they are 21. They may then have to endure an even longer period of abuse.” (Charity/voluntary organisation)

Question 2 Should someone intending to sponsor a partner from overseas declare this intention before they leave the UK on the visit/trip?

Thirty-seven of the 46 respondents who answered this question agreed that someone intending to sponsor a partner from overseas should declare this intention before leaving the UK. Nine respondents disagreed with the proposal. Responses are shown in Figure 3.

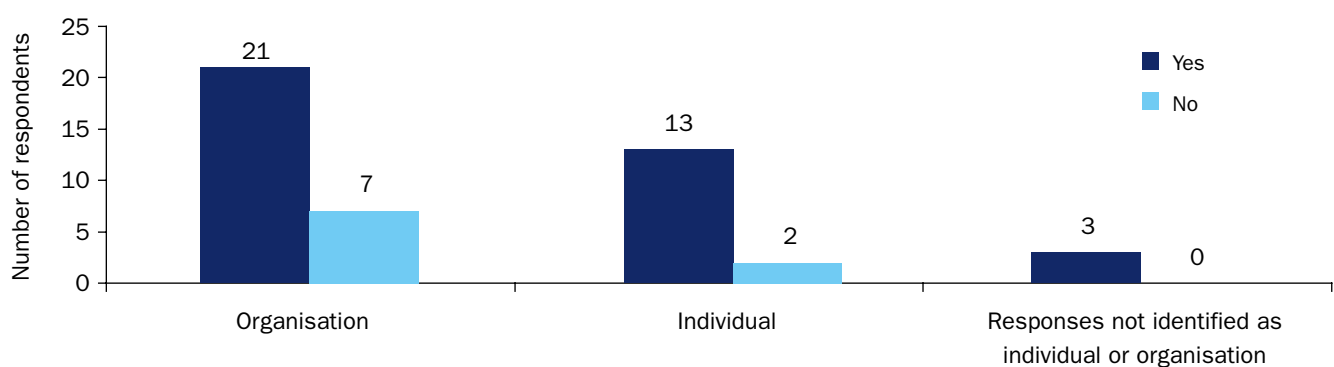
Figure 3. All responses



Response base: 46

A majority of both organisations and individuals supported the declaration of intention to sponsor before leaving the UK but organisations were a little more likely to be supportive of this proposal than individuals. Figure 4 shows respondent views by type of respondent.

Figure 4. Response breakdown by individual and organisation



Response base: 46

Comments supporting the proposal

Twenty-seven respondents of the 37 who agreed with the proposal commented further.

- Thirteen respondents said that they felt it would help prevent forced marriages because the potential spouses would become aware of their parents' intentions in advance.

"This makes sense and would ensure both parties know what is happening and are consented."
(Individual)

"I also believe that asking someone to declare their intention to sponsor a partner from overseas before they leave the UK to get married will reduce the pressure and give people a better chance to avoid a forced marriage by knowing, in advance, that a marriage will take place and their prospective partner." (Central government)

"Besides protecting individuals from the fear that they will be forced into marriage against their will while abroad, it should also mean that legitimate trips to visit family and friends overseas can be approached without fear." (Central government)

"This seems a sensible measure that might well provide useful protection to a number of young people being taken abroad against their knowledge for marriage purposes." (Individual)

- One respondent preferred this proposal to declare intention rather than raising the minimum age for sponsorship because they felt it would be non-discriminatory.

"Unlike the first proposal, it does not lay itself open to accusations of discrimination as it would apply to anyone who might be sponsoring the entry of a future spouse." (Anon)

- Despite their support, six respondents still expressed reservations. These included the potential increased difficulty for legitimate marriages, the possibility of a waiting period or fees, and the difficulties in defining what constitutes a visit/trip in the first place.

"There should be no required waiting period once the notice of intent has been posted and we would certainly protest if posting such a notice attracted a fee." (Other organisation)

“Although I am concerned as to the effect this might have where families still do not declare the intention beforehand. Might it result in a young person not being able to get back into the UK and being obliged to remain with their spouse abroad?” (Anon)

“I feel that it is important that such a requirement be well publicised and that every effort is made to inform people of this requirement before leaving the UK. Otherwise many genuine applications could be affected.” (Anon)

Two respondents, whilst supporting the proposal, had concerns about how it would be implemented.

“I agree with this measure, but feel it would be fairly easy for individuals to get round this. I would like to see more detail and information indicating how this would work in practice. Particularly how loop holes could be addressed.” (Individual)

Comments opposing the proposal

Nine respondents disagreed with the proposal.

- Similar to supporters, five of the respondents who disagreed with the proposal were most concerned with the practicalities of how such a measure could be implemented or how it would work. Three respondents felt that measures would be targeted at communities most associated with forced marriages and that this would be discriminatory.

“We do not support measures that are going to be practically impossible to implement and will have a discriminatory impact on black and minority communities. Declarations of intention on paper will clearly be open to abuse and the notion that each and every applicant will be interviewed is simply unworkable. It is likely that the administration will find ways of only carrying out in-depth interviews of those applicants from communities where it is assumed that the practice of forced marriage takes place, which will be discriminatory.” (Community/voluntary organisation)

“This would maybe prevent some forced marriages but at the same time it would make sponsoring and marrying an overseas partner impossible without previously having notified the UK authorities. ... What would stop the family who is imposing the forced marriage on a person forcing her/him to sign whatever paper is required so that the suggested notification process is followed?” (Individual)

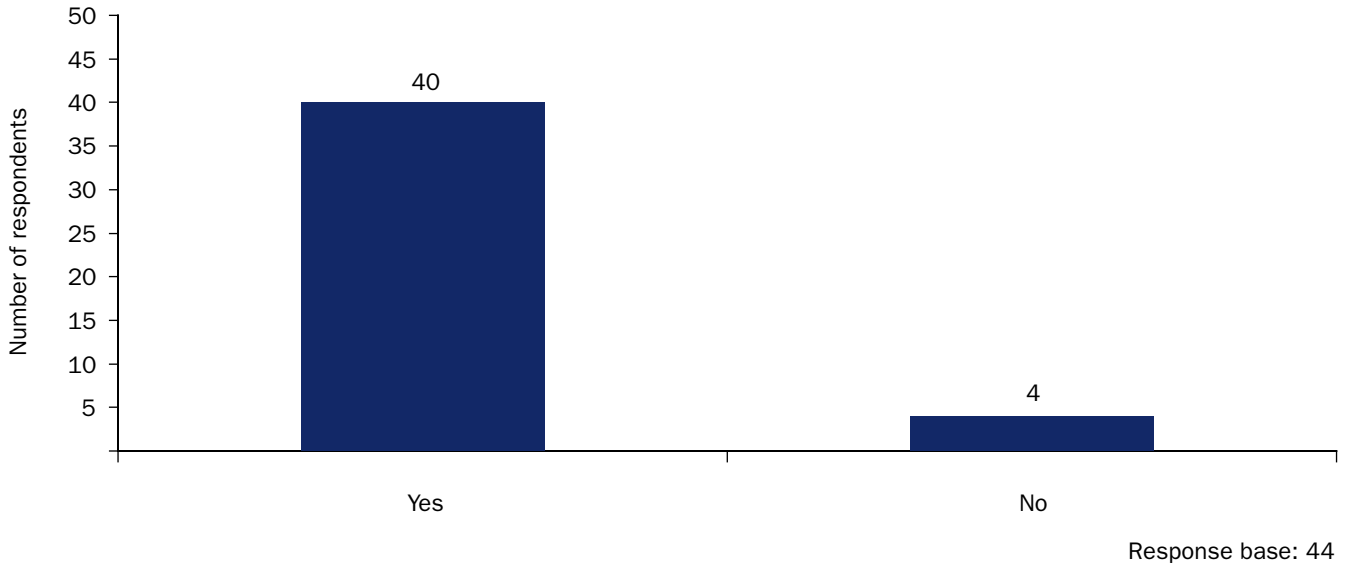
- Two respondents raised concerns about those who travel overseas and fall in love and how they would then be able to marry and return home with their spouse.

“It may prove difficult in practice, especially if someone says he genuinely met someone, fell in love and wishes to marry.” (Unknown organisation)

Question 3 Should potential sponsors be given more opportunities to have a confidential interview if they request one?

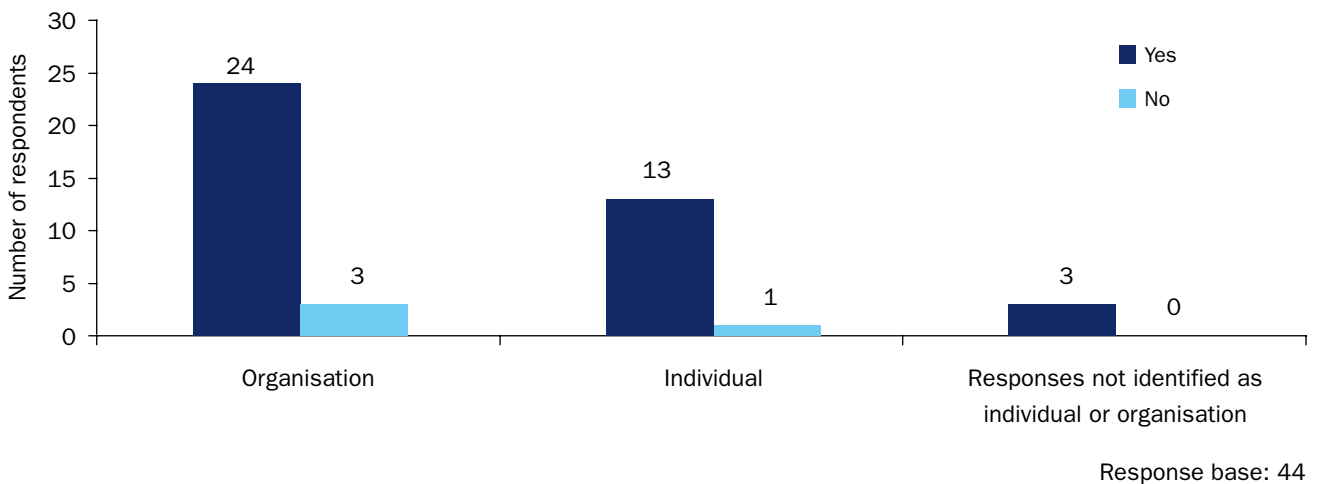
There was much support for the opportunity to have a confidential interview, with 40 of the 44 respondents supporting this proposal and just four disagreeing. These views are shown in Figure 5.

Figure 5. All responses



Organisations and individuals both agreed with the proposal to give more opportunities for a confidential interview. Just three organisations and one individual disagreed with this proposal. Views by type of respondent are shown in Figure 6.

Figure 6. Response breakdown by individual and organisation



Comments supporting the proposal

Supporters of this proposal stated the following to back up their view.

- Seven respondents thought this proposal would expose (potential) forced marriages.

“It will also expose forced and sham marriages.”
(Individual)

“... almost it is clear that providing opportunities for confidential interview has been one of the ways of empowering young people and protecting them from forced marriage.” (Individual)

"I think this would be really useful in providing an opportunity to contest a forced marriage independently of family members' knowledge." (Individual)

- A further six respondents saw the interview as an opportunity for the sponsor to express their views (positive or negative).

"Give us a chance to let you know if we are happy or not." (Individual)

"A voluntary interview could strengthen the case for the visa in genuine cases." (Individual)

"This will have an obvious benefit as an opportunity for potential sponsors to express any doubts in private." (Central government)

- There were concerns among four respondents who supported this proposal regarding confidentiality and the transparency of the process, and the need to allow information from interviews to be used in evidence in court.

"We believe, however, that records of interviews and confidential statements should be able to be produced in evidence if that is in the interests of the sponsor. At the appeal stage particularly it is notorious that sponsors are likely to be accompanied to the hearing by parents and may be unwilling to express views against the grant of a visa in the presence of parents." (Charity)

- Six respondents highlighted the need for protection from the spouse and other family members and the potential for retribution. Two of these respondents raised the issue of how the sponsor would get a genuinely confidential interview on their own.

"The interviews would have to be kept confidential, regardless of the outcome and in the event of a refusal based on information given during the interview; assistance should be made available to ensure the person(s) involved are not the victim of any retribution." (Other organisation)

"A formal offer of protection would be a real social benefit, before and during the marriage." (Individual)

"How do we ensure that the sponsor has a right of audience especially if she comes along (many times unwillingly) with a legal representative or someone from the family?" (Anon)

- Whilst agreeing in principle with the idea of interviewing a sponsor on their own, one respondent felt that young people may be too afraid to speak out.

"It is essential that a sponsor be seen ON THEIR OWN and that the information they give remains completely confidential from the rest of the family. This will not ensure that a truthful answer is given as many young people will still be too afraid." (Anon)

Twenty-five respondents registered their enthusiasm and support for a confidential interview. However, concern over the management of this was evident in eight of the responses. It was suggested that 'appropriate support products would be essential'. Respondents did not provide any further information or examples of what this might involve.

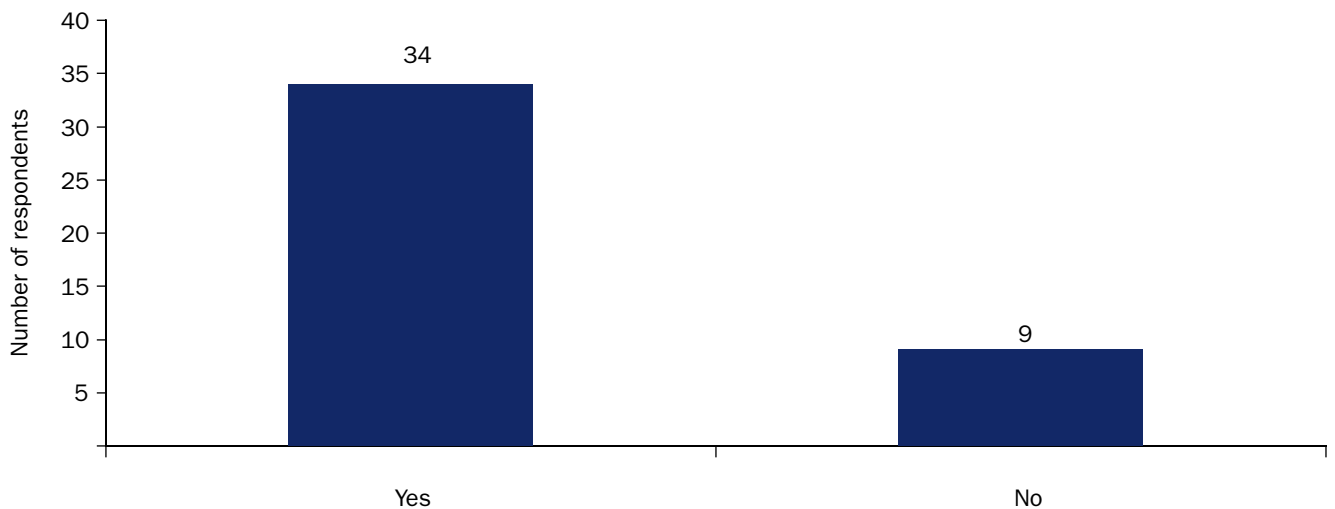
Comments opposing the proposal

All of the four respondents who disagreed with this proposal commented further on their answer. Concerns were raised about the transparency of the process, the degree of discretion given to officers assessing cases and the inability to use evidence collected from confidential interviews in legal cases.

"The process must be transparent and it cannot be allowed to be exploited. By giving confidential interviews in which statements could not be used as evidence defeats the idea of a transparent government." (Individual)

Question 4 Do you think we should introduce a Code of Practice as outlined in this consultation paper?

Thirty-four of the 43 respondents agreed with the introduction of a Code of Practice, with the remaining nine disagreeing with the proposal. Figure 7 shows the responses to this proposal.

Figure 7. All responses

Response base: 43

Organisations and individuals were almost equally likely to support the proposal for a Code of Practice (21 out of 28 organisations, nine out of 11 individuals). The four remaining respondents who also agreed with the suggestion could not be identified as either individuals or organisations.

Comments supporting the proposal

Among those in support of the introduction of a Code of Practice the following themes emerged.

- A Code of Practice was seen by nine respondents to offer consistency and guidance. Four respondents stressed the need for the Code to be carefully prepared and the guidance to be clear so that public servants would have guidelines to follow.

“A Code of Practice could ensure consistency of approach.” (Individual)

“A Code of Practice can be helpful in guaranteeing safeguards to sponsors and spouses of good practice in dealing with their applications. It could also be a means of providing useful guidance, as long as the Code is carefully prepared.” (Immigration adviser/ law practitioner)

“Need clear guidance that will outline how an application for marriage visa should progress if one of the parties identified as being vulnerable to

a forced marriage. Particularly required for those working in the field/frontline workers i.e. police officers, school teachers etc.” (Anon)

- A Code of Practice was also seen as a safeguard to protect the vulnerable by four respondents. Two of these respondents suggested it could replace existing tools and play a part in tribunals.

“The introduction of a Code of Practice to protect vulnerable sponsors would negate the need to provide an evidential statement.” (Central government)

“As a public document it could also be informative to vulnerable persons if they were made aware of it.” (Individual)

“Could this Code of Practice include a provision for, say, at Immigration Tribunals, a right for an Immigration Judge to hear from the sponsor in private rather than in a public courtroom, without their legal advisor.” (Individual)

- One respondent expressed support for a set of guiding principles but felt this would have a bigger impact if it was embedded within a legislative framework, rather than merely taking the form of a Code of Practice.

“Rather than introducing a Code of Practice, we advocate the development of formal guidance which would be placed on a statutory footing under the Forced Marriage (Civil Protection) Act 2007 alongside the guidance that is currently given to education professionals, social workers and the police.” (Voluntary/community organisation)

Comments opposing the proposal

- Four respondents had concerns about a Code of Practice in relation to cultural differences and the potential for cultural stereotyping.

“The factors that the consultation considers to indicate who is ‘vulnerable’ are misconceived and discriminatory. The factors considered are present in many marriages in the West but these marriages would not be seen as forced or arranged in nature.” (Charity)

“The Code of Practice needs to be drafted with care and sensitivity and bearing in mind the cultural differences in different communities. [...] The criteria in the Code of Practice should be objective and not based on stereotypes about communities.” (Voluntary/community organisation)

“It needs to be very clear in its advice so as to avoid the kind of cultural stereotyping that wrongly assumes that any family from the Indian subcontinent is likely to be forcing its children into unwanted marriages.” (Individual)

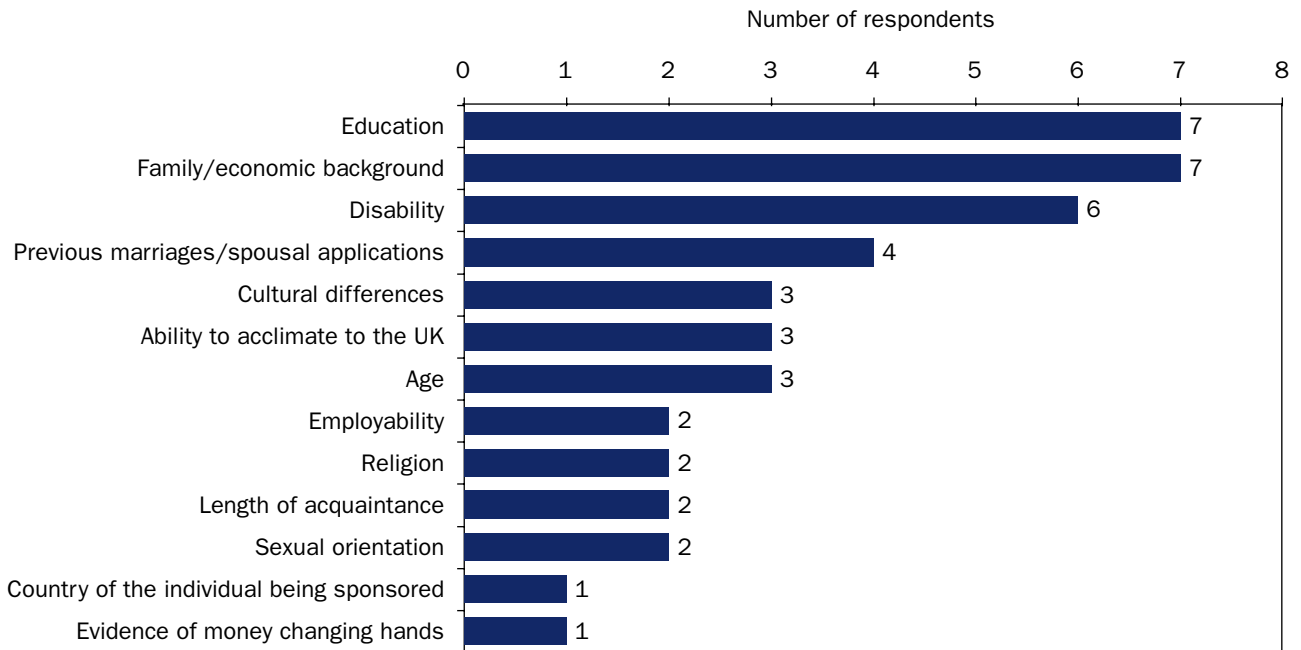
- One respondent did not support a Code of Practice but suggested the publication of practice guidance and another would not support the Code of Practice unless they had seen it and understood how it fitted with the confidential interview.

Question 5 We have suggested some of the factors that might indicate vulnerability to a forced marriage (for example, discrepancies in age, main language spoken etc.); what additional factors do you think there might be?

Twenty-five respondents suggested additional factors that might indicate vulnerability to a forced marriage. Ten of these also used this question as an opportunity to comment on the factors suggested in the consultation document. Respondents often suggested more than one factor.

Seven respondents suggested that education of both partners should be taken into account, citing examples of well educated persons in the UK being matched with poorly educated person from overseas. It was also thought that family background was important (seven respondents) but those mentioning this factor did not expand further. A range of disabilities, both physical and mental, including learning difficulties, were mentioned by six respondents as indicators of vulnerability to forced marriage. Three of these respondents suggested that partners may not become aware of disabilities until late on the road to marriage. Factors that respondents felt may indicate vulnerability to a forced marriage are shown in Figure 9.

Figure 8. All responses



Response Base: 25

NB. Respondents could indicate multiple factors so totals may not add up to the response base shown.

Fifteen respondents felt that some of the factors listed in the consultation document should not be used to indicate a forced marriage especially as some of them could be seen to be discriminatory.

“Don’t refuse on these grounds alone, it may be regarded as discriminatory. It needs to be coupled with aggravating factors.” (Voluntary/community organisation)

“You cannot base this new law on the assumption that age, language or any other factor may be a forced marriage.” (Individual)

- One respondent was concerned that some may abuse the system by agreeing to an arranged marriage but later claiming it was forced, based on these factors.

“By listing factors which the BIA say are specific to forced marriage cases, it will be discriminatory to black and minority communities and it will likely lead to discriminatory decisions by immigration officers.” (Individual)

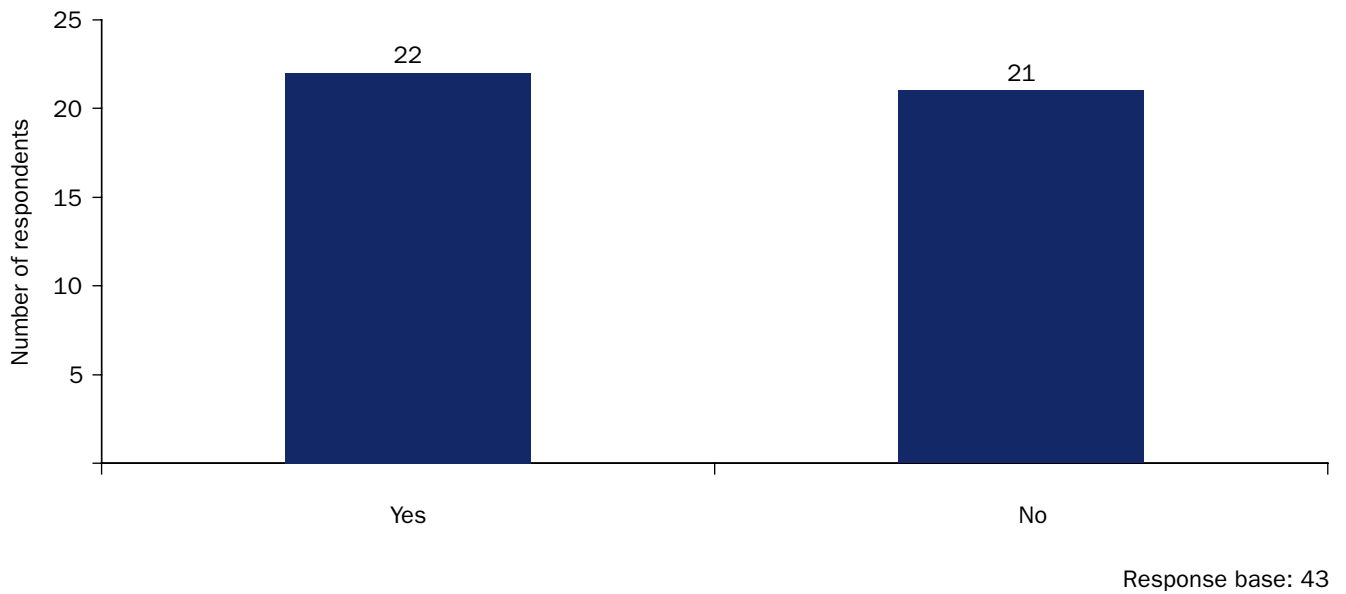
Question 5a If some of the factors that create vulnerability were present, should there be a power to refuse on those grounds alone, without the sponsor having to provide an evidential statement?

“I do not agree with, ‘main language spoken’ as a judge of vulnerability. I do accept that a person can be judged more vulnerable if they do not speak English at all yet live in the UK, but I do not agree this should be a measure if people only speak English as an additional language.” (Individual)

Respondents were divided on whether there should be power to refuse on the grounds of vulnerability factors alone. Twenty-two of the 43 respondents who answered the question supported this proposal. Twenty-one of the 43 respondents disagreed with the proposal. Views on this proposal are shown in Figure 9.

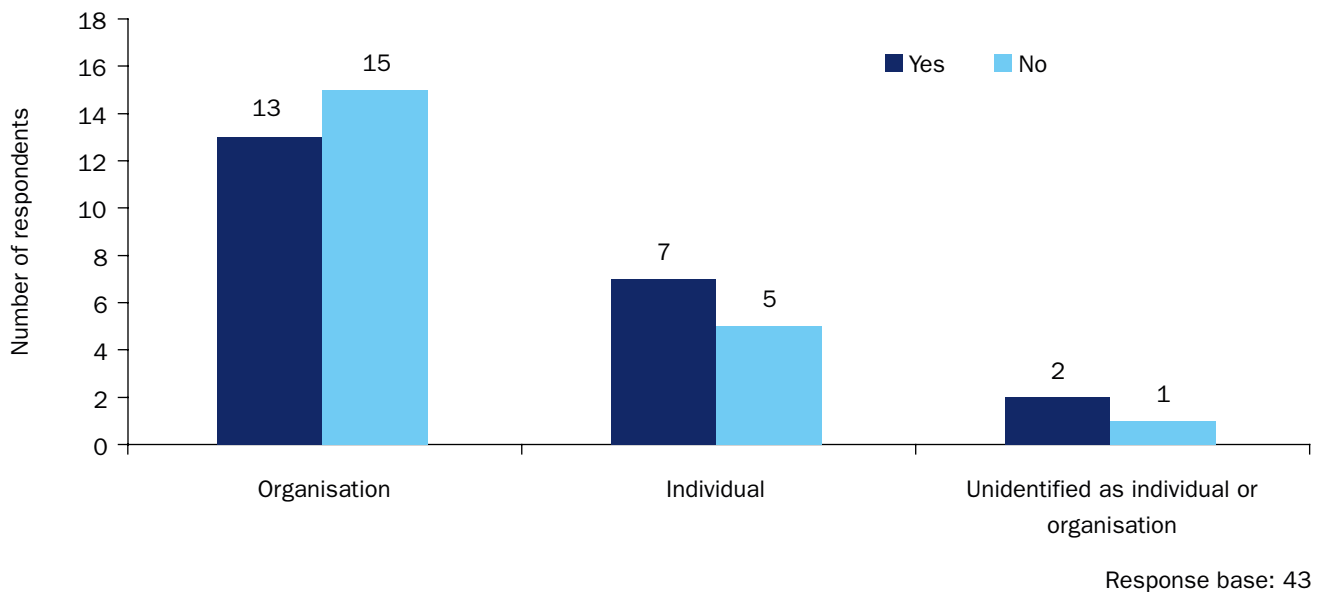
“The factors that are suggested to indicate ‘vulnerability’ are assumptions that are potentially discriminatory.” (Voluntary/community organisation)

Figure 9. All responses



Both organisations and individuals were divided on whether there should be a power to refuse based on vulnerability factors alone. Slightly more organisations (15 compared to 13) disagreed whilst slightly more individuals (seven compared to five) agreed. Views by type of respondent are shown in Figure 10.

Figure 10. Response breakdown by individual and organisation



Comments supporting the proposal

Fourteen respondents of the 22 who agreed with this proposal commented further, eight giving total support and six qualifying answers by highlighting the need for full investigation and a right of appeal.

- Seven respondents thought that, if there was clear evidence of vulnerability, this should justify refusal. Five of these seven respondents gave total support to the proposal and two qualified their support.

“If there is any indication that a forced marriage is occurring then the application should be refused with it no longer being processed.” (Individual)

“If as a result of considering all the factors listed in the draft new paragraph the decision taker considers that the marriage/engagement is not genuine, then clearly he should refuse the application or dismiss the appeal, whether or not any additional statement has been provided by the sponsor.” (Voluntary/community organisation)

“If the person sponsoring has learning difficulties it may be hard for them to provide an evidential statement. It also takes the onus off the person who may be punished for providing an evidential statement.” (Local government)

Comments opposing the proposal

- Nine respondents, of the 21 who disagreed with the proposal, said vulnerability indicators were insufficient on their own to justify refusal and a further six cited other factors and circumstances that should be considered in conjunction.

“Every couple has a unique set of circumstances that has brought them together and there are often gaps in age or language differences, but that does not mean that those couples are not legitimate. We oppose any change in policy that would allow such refusals based on broad and open to interpretation grounds.” (Other organisation)

“No, if other measures are taken, like pre-clearance of the spouse, with biometric screening to avoid impostors, and clear evidence that the marriage is entirely consensual then the visa should be issued on the facts.” (Individual)

“Vulnerability may be as a result of any ‘forced marriage’ issues. Consider other information e.g. history of domestic violence, check police history. Does the family have any previous ‘Domestic violence’ incidents recorded etc?”
(Voluntary/community organisation)

A further eight respondents felt vulnerability factors were insufficient and that both partners should be interviewed before a decision is taken.

“Not alone, but if there are concerns both partners could be interviewed by the same authority (i.e. same people), this way it should be easier to determine if the marriage is forced or not.”
(Individual)

“... factors indicating vulnerability should be used to guide decisions on a visa, but wherever possible the sponsor should have the chance to speak for him – or herself.” (Central government)

“It is very essential that sponsor should be given opportunity to make statement. A large number of cases are genuine and it is very unfair if genuine applications are refused.” (Anon)

“There cannot be an assumption of a marriage being forced without there being evidence to that effect or the statement of one of the parties to the marriage.” (Voluntary/community organisation)

- Four respondents stated their outright opposition to this proposal as inappropriate or discriminatory.

“This appears very simplistic. The existing Rules provide enough powers to refuse on the basis of genuineness of the application. Such specific powers are unnecessary.” (Charity)

We do not support the introduction of a ‘list’ of factors that create vulnerability when these are based on stereotypes of black and minority ethnic communities and forced marriage. We would not support any power of refusal based on these discriminatory ‘factors’.
(Voluntary/community organisation)

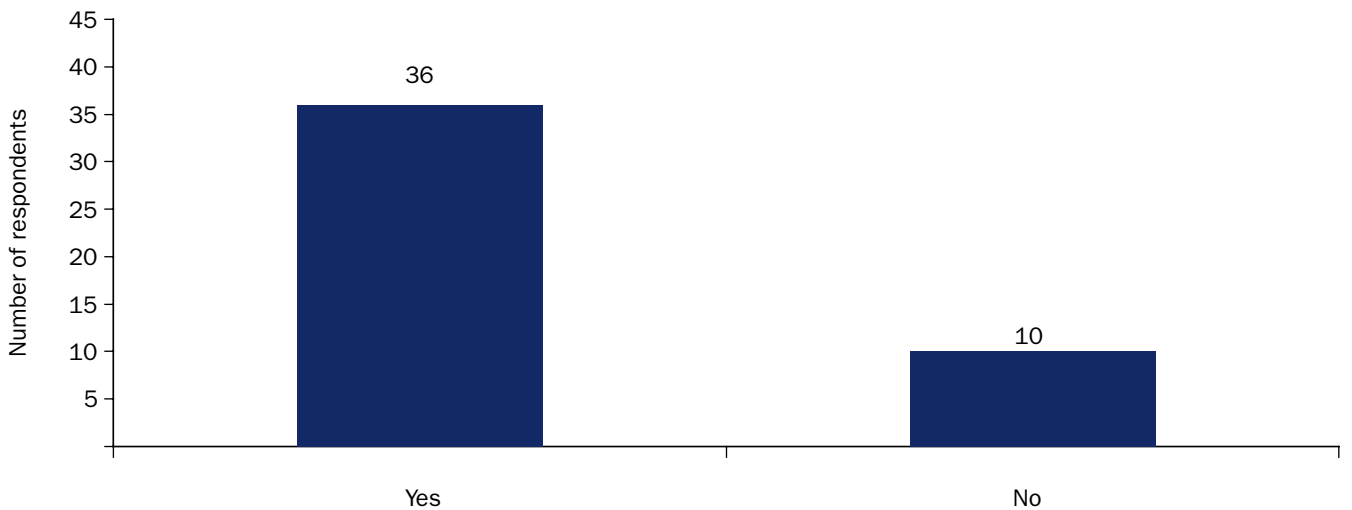
“This would give inappropriate power to officials many of whom would lack the basic knowledge to interpret the factors of vulnerability. It would almost

certainly lead to arbitrary and unfair decisions.”
 (Individual)

Question 6 Do you think that we should do more to bring about revocation of Indefinite Leave to Remain if individuals abuse the marriage route to gain settlement?

Of the 46 respondents who answered the question, 36 supported the revocation of Indefinite Leave to Remain (ILR) if the marriage route is abused, whilst ten respondents disagreed with this proposal. Respondent views are shown in Figure 11.

Figure 11. All responses



Response base: 46

Both organisations and individuals supported proposals to revoke ILR if the marriage route was abused by the sponsored spouse. Support was higher among individuals, with 12 of 14 who answered the question in agreement compared to 22 of 30 organisations who responded. Two respondents who agreed with the proposition could not be identified as either organisations or individuals.

Comments supporting the proposal

- Six respondents felt that ILR should be immediately revoked if there is any evidence of abuse of the marriage route to gain settlement.

“If person gains entry on a false premise they should be asked to leave or deported” (Anon)

“If it is proven that the sponsored spouse has deceived the Home Office then their leave should be revoked” (Voluntary/community organisation)

“More should be done to bring about revocation of indefinite leave to remain if individuals abused the system to gain settlement. Marriages of convenience should be detected early and action taken to punish and curb such practice.” (Voluntary/community organisation)

“In the event that the marriage has ended then the sponsored spouse should be subject to immediate removal.” (Individual)

- Five respondents felt that it would be evident that individuals had abused the marriage route to gain

settlement if the marriage changed or ended once ILR was granted, and that this was unacceptable.

- Six respondents who felt ILR should be revoked if the marriage broke down went on to comment on the further abuse of the system when spouses go on to sponsor someone else. Respondents were concerned that a sponsored person may leave their sponsor and may then sponsor another person. There was some suggestion that this may be used as a deliberate route to come to the UK, by using one person in the UK as a sponsor with the intention of leaving this sponsor and sponsoring another person from their home country. One questioned whether this should even be an option for people who have been sponsored to come to the UK¹⁰.

“I believe that sponsors are entitled to know how their sponsorship has been used, especially when the person who has abandoned a sponsor wants to sponsor someone from overseas themselves. In fact, I would go so far as to question whether a “sponsored” person should be able to assume the role of a sponsor.” (Central government)

- One respondent noted their support and explained that it should be coupled with a communication strategy to ensure that residents in the UK are aware of policy developments.

“This should come with an effective communication strategy to inform people that the UK will be both robust and supportive in dealing with sponsorship.” (Individual)

Comments opposing the proposal

- Nine respondents of the ten who disagreed with the proposal were concerned that sponsors could be put at risk by being forced to stay with abusive partners so that they could remain in the UK, and this was a reason not to take the proposed action.

“We feel it would lead to increased vulnerability for many already in a vulnerable position.” (Anon)

“The change in the law could be used by perpetrators when emotionally and psychologically

abusing their spouse. The impact that this proposal will have on the majority of these cases far exceeds any stated benefits in preventing forced marriage.” (Voluntary/community organisation)

“The overseas partner may require protection, which an automatic revocation of the leave will remove.” (Individual)

- There was concern among four respondents that such a general rule could have serious implications for those in marriages that were not forced but then broke down. They feared some partners could seek to get ILR revoked for malicious reasons.

“Relationships can come to an end for perfectly valid reasons, which can vary considerably depending on individual circumstances. Any general rule has the danger of not applying fairly to all individuals.” (Immigration adviser/law practitioner)

“There will be an additional problem of the need to collate evidence to determine whether or not someone has abused the marriage route to gain settlement in the UK. There may be cases where people genuinely fall out of the marriage but may not have originally set out to abuse the marriage route to enter the UK, and the sponsoring spouse can then maliciously send them back even after they have been granted ILR.” (Voluntary/community organisation)

- One respondent felt there were adequate measures in place as a result of existing laws.

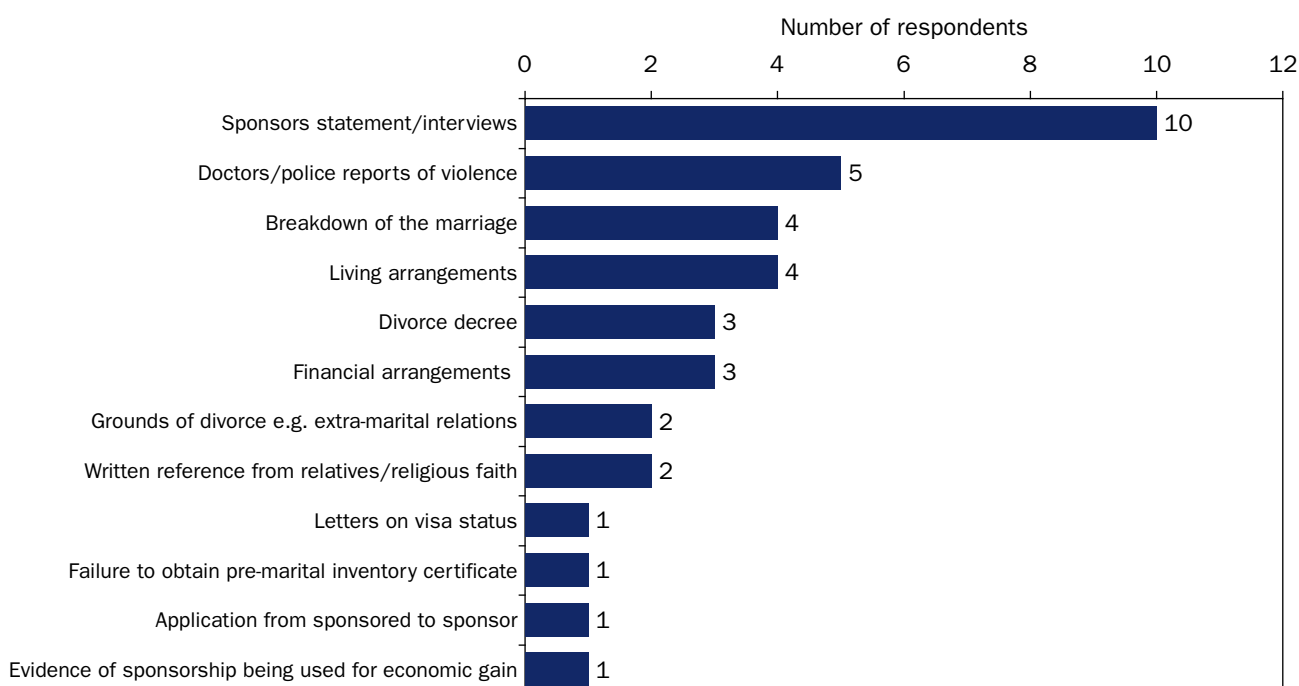
Question 6a If you think that we should do more to bring about revocation of Indefinite Leave to Remain if individuals abuse the marriage route to gain settlement, what proof do you think might be necessary to do this?

Twenty-two respondents (16 organisations and six individuals), made suggestions as to what proof may be necessary to revoke ILR. Ten respondents felt that evidence from statements, or interviews with

¹⁰ It is possible for a spouse to go on to sponsor another person provided they can prove that the first relationship has broken down. So if they were married they would need to provide the divorce papers.

sponsors was appropriate proof. Five suggested reports from doctors, hospitals or other professionals on evidence of domestic violence were appropriate proof. Four wanted clear evidence of marriage breakdown and another four suggested looking at living arrangements of the spouses. Three thought the divorce decree was the appropriate evidence and three referred to financial arrangements such as names on household bills, employment records and mortgages. Respondents also suggested proof of grounds for divorce such as extra-marital relations (2), a written reference from either a religious authority figure (1) or family member (1), a letter on visa status (1), application from sponsored to sponsor (1) or evidence of sponsorship being used for economic gain (1). Figure 12 shows the proof that respondents felt might be necessary to revoke ILR.

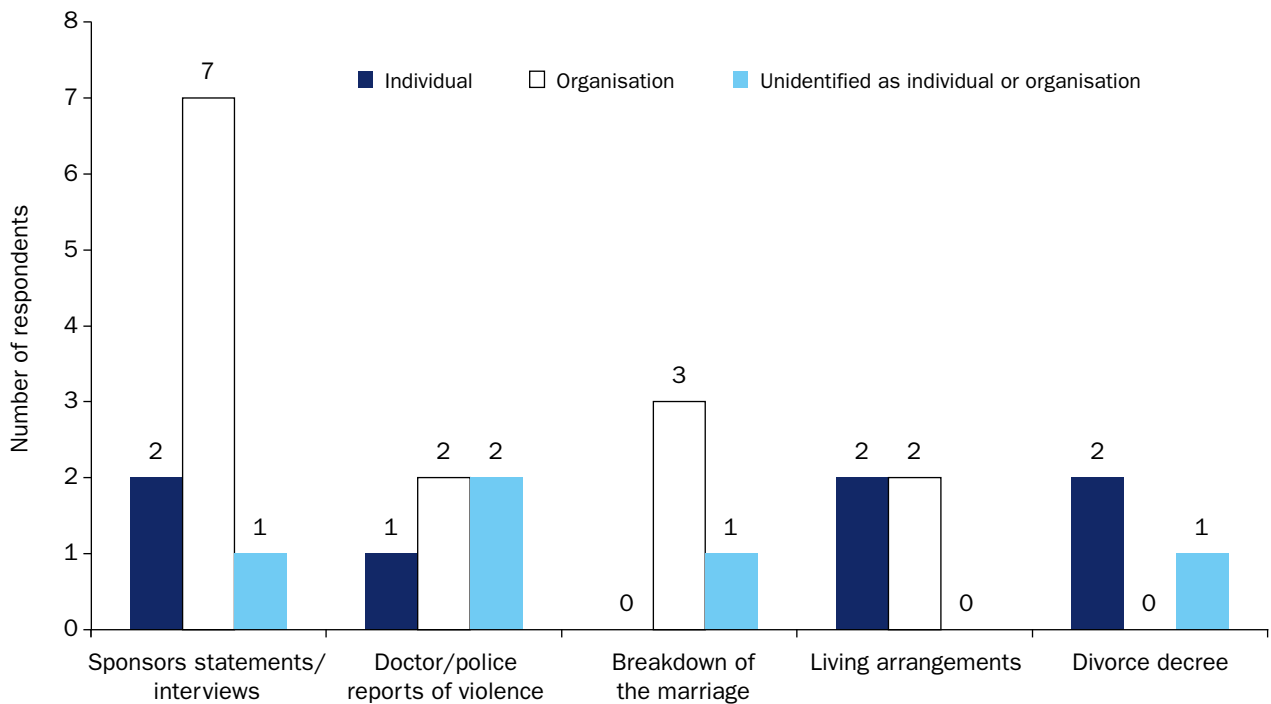
Figure 12. All responses



Response Base: 22

NB: Respondents could indicate multiple factors so totals may not add up to the response base shown.

Organisations were most likely to suggest that proof took the form of interviews or statements, followed by details of financial arrangements. The top five suggestions of means of proof by type of respondent are shown in Figure 13.

Figure 13. Response breakdown by individual and organisation

Response base: 22

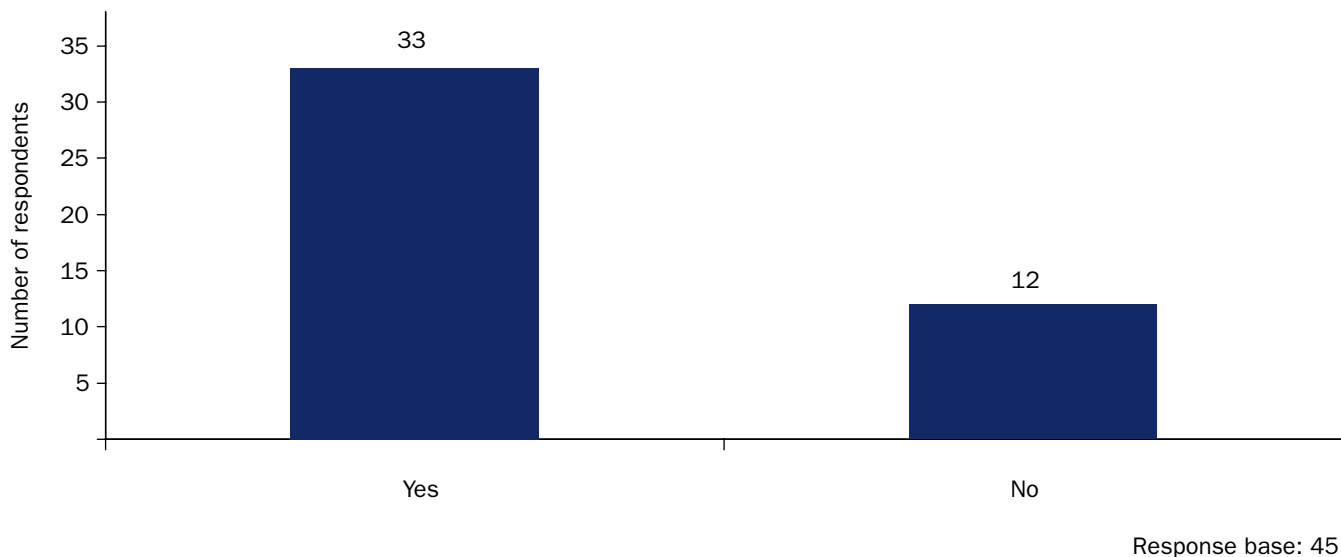
NB: Respondents could indicate multiple factors so totals may not add up to the response base shown.

One respondent did not feel it was appropriate to pre-define what proof should be required as “*it will have to be decided on its own merit*” (Individual) and another was concerned that individuals be given every opportunity to defend themselves before action is taken to revoke ILR.

Question 7 Do you think that we should be able to revoke Indefinite Leave to Remain after it has been granted if the sponsoring partner is abandoned?

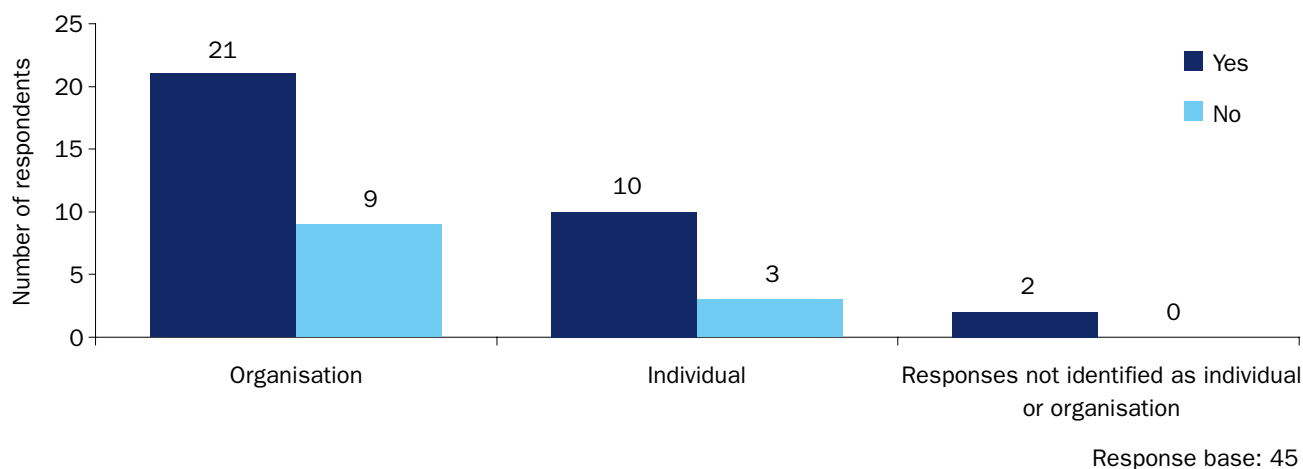
Of the 45 respondents who answered this question, 33 thought it should be possible to revoke ILR if the sponsoring partner was abandoned, whilst 12 disagreed. These views are shown in Figure 14.

Figure 14. All responses



Individuals were a little more likely than organisations to support revocation of ILR if a sponsor was abandoned. Ten of 13 individuals who responded to this question supported revocation compared to 21 of 30 responding organisations. Responses by type of respondent are shown in Figure 15. Two other respondents who could not be identified as either organisations or individuals agreed with revocation.

Figure 15. Response breakdown by individual and organisation



Comments supporting the proposal

Nineteen respondents who supported this proposal commented as follows.

- Eleven respondents suggested the time period, after approval of ILR, within which ILR should be revoked in these circumstances. These ranged from one month, to in the first few years up to five or ten years. However, the most common response was five years, mentioned by five respondents.

“Partners are being abandoned too often and I think a five year period should be given within which ILR can be revoked after being granted.” (Individual)

A further four respondents felt the time period was important but did not specify a timeframe. One was even concerned that by defining a number of years people would just wait however long was necessary before abandoning their spouse without the risk of revocation.

“Yes, you should be able to revoke indefinite leave after it has been granted but do not understand why you have to agree to a time period. I do not think that such revocation should be time limited as potential abusers will merely wait for the set period to expire.” (Central government)

- An additional two respondents expressed their support for this proposal but emphasised that it should be coupled with appropriate support, perhaps even counselling sessions, either as a couple or individually to identify the true cause of marriage breakdown.

“This has got to be managed effectively as there may be many issues, for example, children, ‘honour’ and the potential risk of harm to either individual.” (Individual)

- Three respondents felt that it should be possible to revoke ILR after it has been granted but that it should not be automatic and there was a need to consider other factors. They felt that factors other than the time spent together should be taken into account first.

“This would depend upon whether there are children and the reasons for abandonment so I do not think the answer is clear cut.” (Individual)

“I think it should be a possibility – but should not be the default position, as there are so many possible circumstances in which a marriage might break up for innocent reasons.” (Individual)

“Other factors need to be taken into account for such revocation such as threats etc to abandoned person/ their family etc. Revocation should not be automatic but [the] power should be available.” (Anon)

Comments opposing the proposal

Ten of the respondents who disagreed with this proposal commented further, as follows.

- Five respondents were concerned that the breakdown of the marriage may take more than a few years, by which time the person will have become settled in the UK. To indiscriminately revoke their ILR status could cause further problems within an already unhappy situation and impinge on individual rights.

“If this was to change as suggested it would just force unhappy couples to stay together to avoid deportation. The sponsored partner may well have property, children, extended family or business in the UK and being uprooted this way after many years seems like a violation of human rights.” (Individual)

“Have you considered all the implications i.e. children being separated from their parents who could find it almost impossible to visit them in the UK again/reaping the person of all what they have worked during the last years only because of a separation?” (Individual)

- Five respondents felt that sponsored spouses may be forced to remain in unhappy, perhaps even violent, marriages for fear of their ILR being revoked.

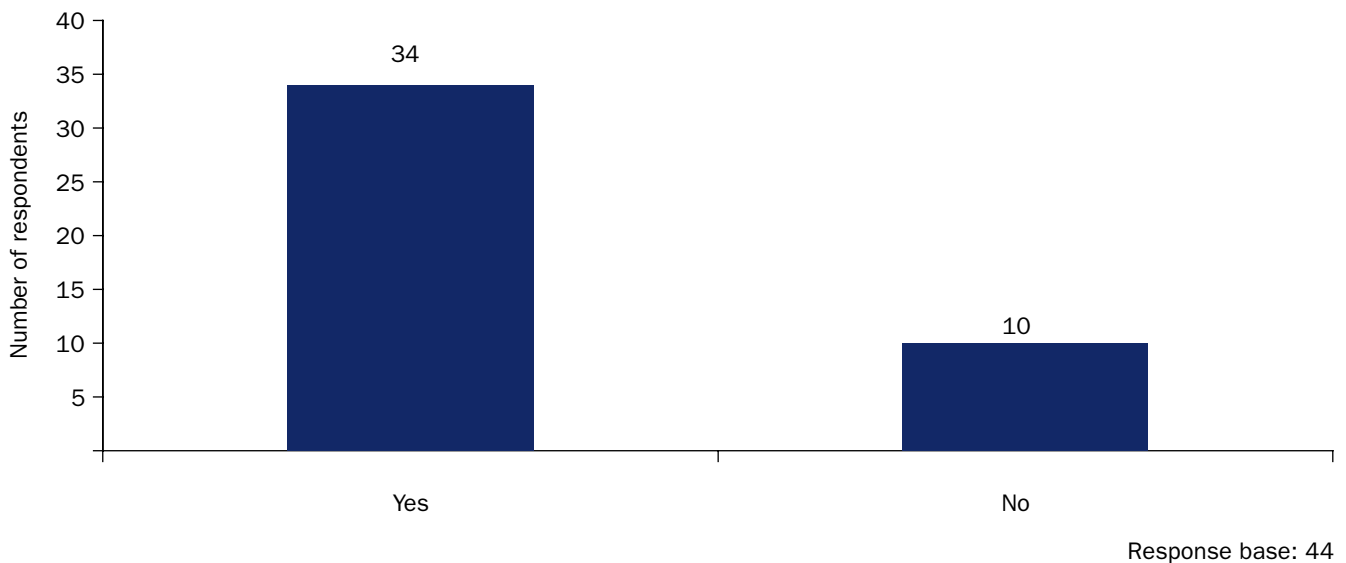
“The immigrant spouse or partner would be subject to blackmail or vengeance when in fact the breakdown was wrought from perfectly natural causes.” (Individual)

“We would not want a person forced into remaining within an abusive relationship because they were scared they would be refused leave to remain.”
(Immigration adviser/law practitioner)

Question 8 Do you think we should do more to investigate allegations of abuse of marriage for immigration advantage after entry?¹¹

Thirty-four of 44 respondents agreed with the proposal to do more to investigate abuse of marriage for immigration advantage after entry. Ten respondents disagreed. These views are shown in Figure 16.

Figure 16. All responses



Individuals were a little more likely than organisations to agree that more should be done to investigate allegations of abuse. Ten of 13 responding individuals supported this proposal compared to 22 of 29 organisations. Two other respondents who agreed could not be identified as either organisations or individuals.

¹¹ The intention of the question was to ask whether UK Border Agency should reports from people who have sponsored a spouse to come to the UK that their spouse has left them immediately after they had obtained ILR, suggesting that the marriage was not entered into for genuine reasons. However ,the question was interpreted in a variety of ways by respondents. Nevertheless, all types of response have been considered here in the analysis.

Comments supporting the proposal

Eighteen respondents expanded on their agreement with the proposal.

- The need to be more proactive was highlighted by six respondents who wanted both more investigation after marriage and rigorous enforcement.

“Until this is enforced rigorously, and revocation of ILR reasonably frequent on such grounds, the abuse will continue.” (Other organisation)

Following on from this point, two respondents thought that not enough is done at the moment.

“Our approach is too lenient at the moment as too many abuses are taking place and sponsors cannot do much to get ILR refused or revoked.” (Individual)

“Very little, if anything, is done at the moment” (Anon)

“More could be done to assist women who are experiencing violence and who have either sponsored the person who is abusing them or have come to the UK to join a spouse who subsequently proves to be violent.” (Charity)

- Five respondents thought there were not enough resources to pursue this proposal or that government powers were insufficient to tackle the problem.

“There should be a dedicated department dealing with these issues.” (Individual)

“Yes but how? All kind of abuse happens but government is powerless ... The police should take all marital/spousal abuse more seriously but do they have the resources?” (Individual)

“However, it is not so easy to check it at all, isn't it? It will cost lots of effort and money to investigate these issues which may not get the full results as expected.” (Anon)

“The idea seems good but may be difficult to police, unless the vulnerable partner is given

advice about counselling services such as social services/victim support etc. Adequate resources and appropriate training would have to be provided for these organisations.” (Individual)

- One individual respondent felt that a more proactive attitude towards investigation would also act as a *“useful deterrent for future abuse.”*

Comments opposing the proposal

Seven respondents of the ten who disagreed with the proposal commented further.

- Five respondents felt this was the wrong approach and that there were other means to deal with this situation rather than through the UK Border Agency.

“The current immigration system gives abusive spouses ample scope to make allegations about fraudulent entry to the UK. More resources should be spent to ensure that immigration officers spend sufficient amount of time and energy investigating allegations of domestic violence.” (Voluntary/ community organisation)

“Absolutely not. If the majority of cases of forced marriage happen from within the UK, there is no need for this and surely any investigation should be carried out by the Forced Marriage Unit.” (Local government)

Three respondents were unsure how big an issue this is and did not know how it was dealt with currently.

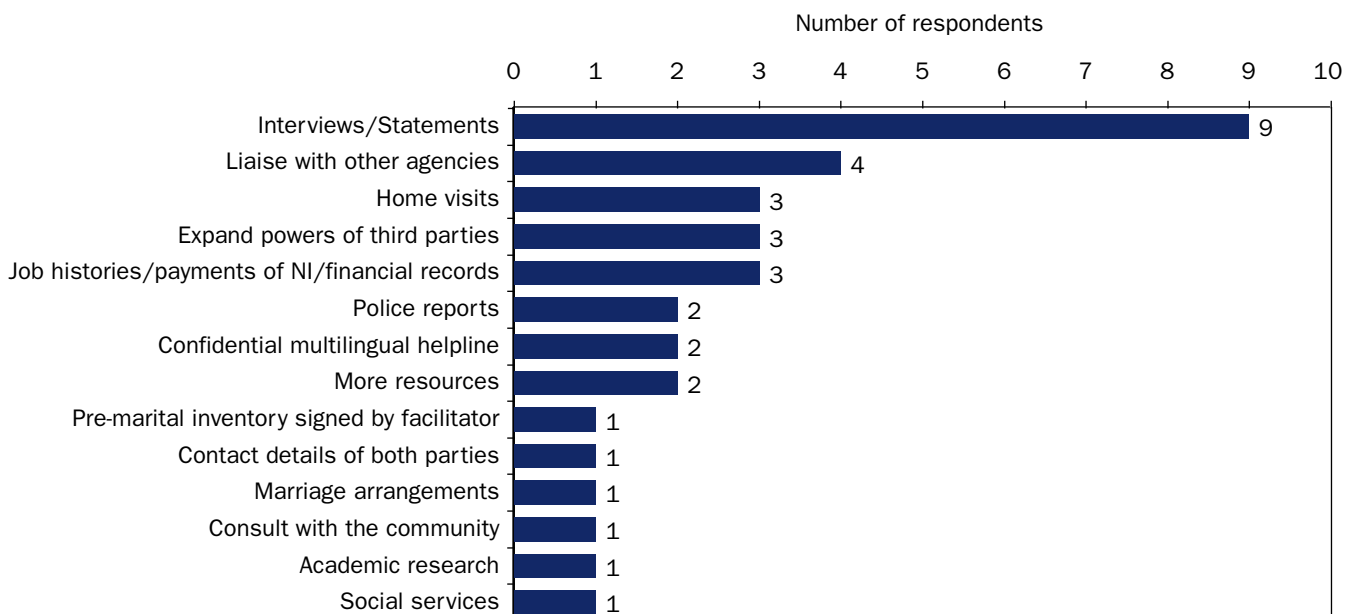
“It is not entirely clear what is done at present. We are not aware that this is a major concern. The current system of probationary leave should be perfectly adequate to address this.” (Immigration adviser/law practitioner)

“I have said yes but I am not entirely sure how much you do investigate. It may be that you are doing a wonderful job already.” (Local government)

Question 8a If you think we should do more to investigate allegations of abuse of marriage for immigration advantage after entry, how might these be investigated?

Twenty-five respondents made suggestions as to how allegations of abuse might be investigated. Nine respondents suggested either interviews with or statements from both partners and others such as friends and work colleagues. Four respondents thought that liaison with other agencies would be important and suggested that police, statutory bodies and voluntary organisations might be involved. Others felt that home visits would be needed to fully investigate the situation (3), the powers of third parties should be expanded (3) or that financial and employment records should be checked (3). Two thought that police reports should be checked in terms of domestic violence incidents and two others each wanted to see a helpline set up or more resources allocated to such investigations. Suggested means of investigation are shown in Figure 17. The concept of a ‘pre-marital inventory’ was not expanded on further by respondents.

Figure 17. All responses



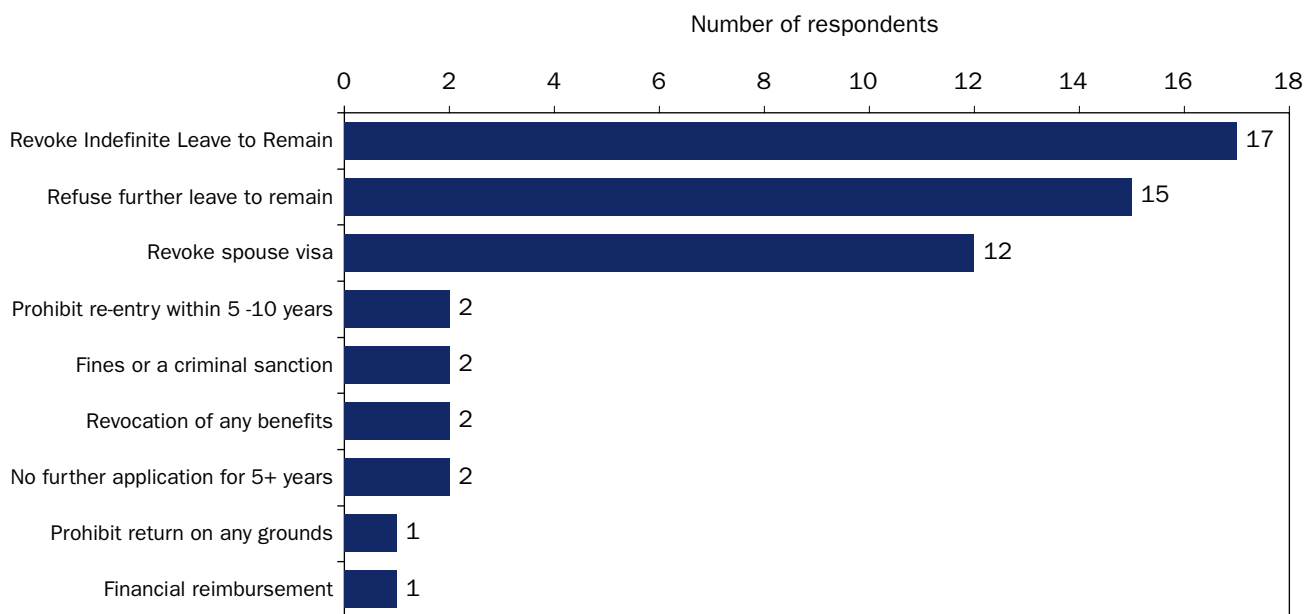
Response Base: 25

NB Respondents could indicate multiple factors so totals may not add up to the response base shown.

Question 9 What sanctions could we use if individuals abuse the marriage route to gain settlement?

Twenty-eight respondents commented on possible sanctions for use when the marriage route is abused to gain settlement. Revocation of leave to remain was most widely suggested as a sanction if the marriage route had been used to gain settlement. Seventeen respondents wanted to revoke ILR and 15 wanted to revoke any further leave to remain. Twelve respondents suggested revoking the spouse visa. Suggested sanctions are shown in Figure 18.

Figure 18. All responses¹²



Response base: 28

NB Respondents could indicate multiple sanctions so totals may not add up to the response base shown.

Six respondents were opposed to any sanctions.

- Four respondents felt that there were already adequate sanctions in place and that no more were required.

- *“There are already adequate sanctions for those who gain entry to the UK fraudulently. Their leave can be revoked. Further sanctions are simply not necessary.” (Individual)*

“The existing law already has adequate provisions for this.” (Immigration adviser/law practitioner)

¹² In this question only 17 respondents stated that revoking ILR should be used as a sanction. In question 6, 36 respondents supported the revocation of ILR if individuals abuse the marriage route to gain settlement, and in question 7, 33 respondents supported the revocation of ILR if the sponsoring partner is abandoned. The low numbers of respondents supporting the revocation of ILR in this question may be because respondents did not feel the need to reiterate the views that they stated in previous questions.

- Two respondents were not in favour of automatic revocation of ILR.

*“Not in favour of any sanctions. ILR=ILR¹³”
(Voluntary/community organisation)*

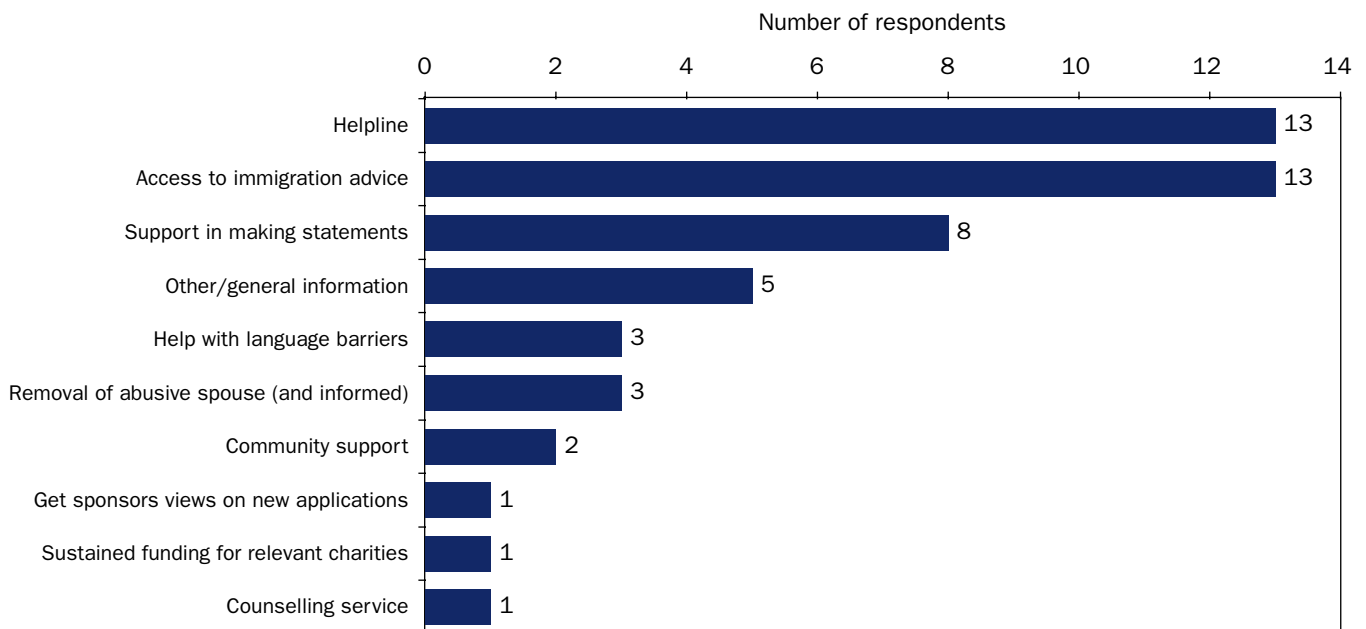
*“Revocation should only happen if the person forced into marriage would be worse off if the new husband/wife remains. HBV/DV/FGM¹⁴ etc.”
(Local government)*

- One respondent suggested this should be judged on an individual basis rather than enforcing a set of firm sanctions.

Question 10 What provisions might be necessary for safeguarding women, in particular, after the entry of a sponsored spouse? (For instance: a helpline, access to immigration advice, and support in making statements.)

Twenty-four respondents commented on what provisions might be necessary for safeguarding women after the entry of a sponsored spouse. Provision of a helpline and easy access to immigration advice were each suggested by 13 respondents. Eight respondents felt that individuals may need assistance in making statements. One suggested information on how to make a statement would be useful and another that an advocate should be provided; five suggested the provision of information including advice on rights and information packs. Three thought that language support may be needed and another three that sponsors should be kept informed if an abusive spouse was removed from the country or sought to sponsor. Figure 19 shows the provisions for safeguards that respondents suggested might be necessary.

Figure 19. All responses



Response Base: 24

NB Respondents could indicate multiple provisions so totals may not add up to the response base shown.

¹³ Indefinite Leave to Remain.

¹⁴ Honour Based Violence/Domestic Violence/Female Genital Mutilation.

Three respondents, an individual and two voluntary organisations, had concerns that these proposals were, on the one hand, sexist and on the other hand may lead to further abuse.

Question 11 What is wrong with the current system in relation to abandoned spouses that could be improved?

Twenty-one respondents commented on what they felt was wrong with the current system. Respondent's comments fell into the following themes.

- Five respondents raised general concerns about the system.

"I feel there is no support for abandoned spouses. They feel helpless and feel their partner has used them to get to this country." (Individual)

- Economic concerns were raised by seven respondents who felt there was no financial support for those who are abandoned or need to leave abusive partners.

"Better assistance to dissolve the marriage legally and sever economic ties with the overseas spouse." (Individual)

"The network of some organisations tries to help vulnerable people from the Sikh community but is hampered by an absence of financial support." (Voluntary/community organisation)

"No recourse to public funds is a huge issue for sponsored women (without children) that are victims of domestic violence or are abandoned." (Individual)

"One suggestion would be for them [the abandoned immigrant spouse] to have a right to remain in the UK to secure a divorce, and also for the Courts to have the right to make financial provision for them on the basis of the effect of the divorce on them in the culture to which they will now have to return – which may mean ensuring their maintenance for life, if they are going to be ostracised in their home country." (Immigration adviser/law practitioner)

- Six respondents made specific suggestions on how the current system could be improved including interviews with sponsors, return of abandoned spouses, provision of information by abandoned spouses if former partner tried to sponsor in future, specialist support services and better follow-up by immigration staff.

"Interview should be arranged before any indefinite leave is granted to their spouses and the time scale should be increased from 2 to 5 years and a probation period of a further 1–2 years after the indefinite leave has been granted in order to protect the British citizen and also the marriage." (Individual)

"If the abandoned spouse is the person who has come from abroad and they are not yet a British citizen they should be returned to their home country." (Individual)

"A particular problem encountered by some of my constituents is a lack of clear channels of communication between themselves, the BIA and UK Visas. Where it is known that an individual who once entered the UK as an overseas partner is seeking a visa via another route, it is crucial that the former spouse is contacted and asked for any information they feel relevant. This must then be made available to the decision makers." (Central government)

"The only way the system can be improved is through specialist support services for those who have experienced domestic abuse and have abandoned the marriage, a number which outnumbers the cases of forced marriage." (Voluntary/community organisation)

Question 11a What changes could be made to improve communications with abandoned spouses?

Twenty respondents suggested changes to improve communications with abandoned spouses and two agreed with the suggested procedure.

- Eight respondents said that abandoned spouses should have access to information about further applications. They felt that the sponsor role did

not end after abandonment or divorce and that sponsors should be told about the subsequent activities of someone they had sponsored.

- “The abandoned spouses should be contacted with all the information regarding the further application and should be interviewed prior to any decisions being made.” (Individual)

“They should have an absolute right to be informed about, and involved in, any subsequent applications made by the person they sponsored unless and until that person has another legitimate basis of stay which does not in any way depend upon the position they gained through the original sponsor’s sponsorship.” (Immigration adviser/law practitioner)

“An abandoned spouse should be asked to provide further information for further applications if they wish to.” (Individual)

- However, four respondents had concerns regarding further information about the spouse and advised either against communication or approaching any communication with caution.

“To be forced to give some views or comments after a relationship breakdown might not be a good thing; there are too many agendas to consider. Also the abandoned spouse may be in fear of the previous partner.” (Individual)

“If abandoned spouses are given info about their partner’s whereabouts, there is a danger that family pressure might push them together. The abandoned party needs to know what is going on, but in a protected environment.” (Individual)

“This should be an individual choice as to whether they want to know. However it could be abused.” (Voluntary/community organisation)

- Additional information and resources are needed for the abandoned spouse in order to ensure communication takes place. Six respondents made this suggestion citing various ways in which this information might be supplied and this resource put in place, for example by community groups, training, leaflets and information provision.

“The main change needed is there needs to be a widespread awareness about support agencies for women experiencing domestic abuse and who have been forced into marriage and there needs to be an enhancement of the training that professionals receive.” (Voluntary/community organisation)

“We would agree that there is a need for enhanced information and support to this group [women marriage migrants abandoned in the UK] via community providers and organisations such as Refuge.” (Voluntary/community organisation)

“Provide them the reasonable and clearly routes to appeal. The procedure should be more opened and reasonable to both sides.” (Individual)

“Leaflets and advice information on the application forms, better information by way of community organisations.” (Voluntary/community organisation)

- One respondent also suggested that more information should be provided to the agencies involved in assisting or signposting abandoned spouses.
- “A lot more information is needed by agencies, who need to refer an abandoned spouse of a sponsor.” (Individual)
- Two respondents had concerns about informing the abandoned spouse about their previous partner and the impact this could have on the partner’s right to privacy.

“Any proposition of informing the former spouse about subsequent applications must be viewed with great caution. It potentially violates the immigrant spouse’s privacy and could even put him or her in danger ... It seems unnecessary to inform the former spouse as the existing law provides adequately for assessing any subsequent applications on their own merits.” (Immigration adviser/law practitioner)

“This proposal will violate the Data Protection Act 1998. The fact that someone was responsible for bringing a person in the UK does not in itself warrant them continuing to receive information about their immigration status.” (Voluntary/community organisation)

PRE-ENTRY ENGLISH REQUIREMENT FOR SPOUSES

ANALYSIS OF CONSULTATION RESPONSES

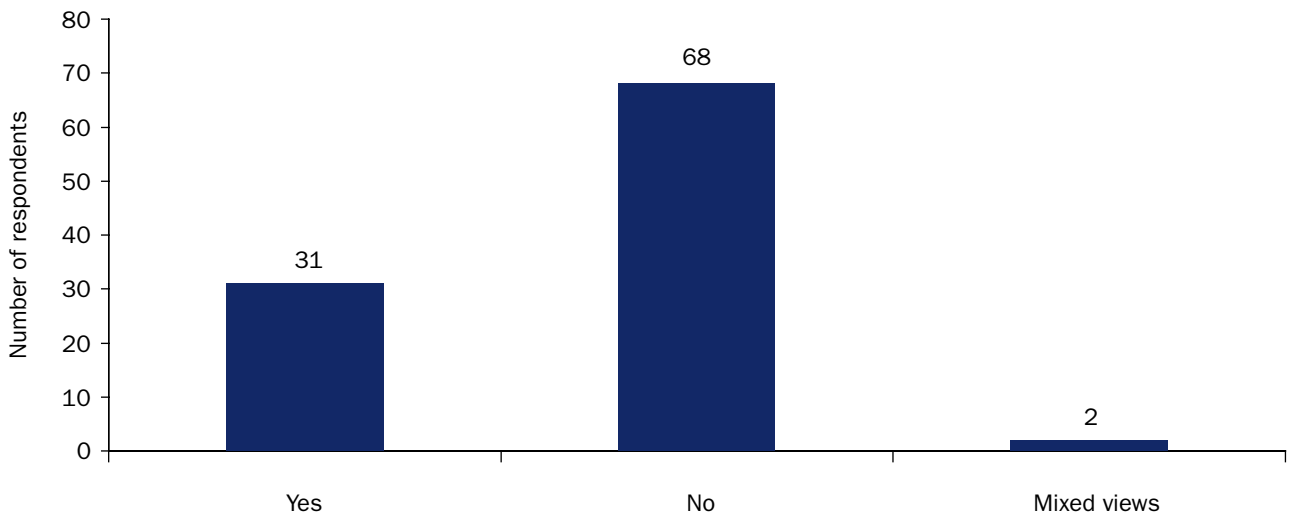
QUESTIONNAIRE RESULTS

Please see Annex 4 for the consultation methodology. Annex 5 provides details of the respondent profile and Annex 6 provides a list of responding organisations.

Question 1 Do you think there should be a requirement for spouses to demonstrate knowledge of English before they enter the UK?

Over two-thirds of respondents (68) disagreed with the proposal for spouses to demonstrate knowledge of English before they enter the UK, with 31 respondents being in agreement and two respondents giving a mixed response. These views are shown in Figure 20.

Figure 20. All responses



Response base: 101

The majority of organisations disagreed with the proposal (45 of 57) for a pre-entry English language requirement. However, individuals were divided in response to this proposal: 21 of the 38 individuals disagreed whilst 16 felt it should be a requirement of spouses to demonstrate knowledge of English before they enter the UK. Figure 21 shows views of individuals compared to organisations.

Respondents with a spouse from overseas (who had either joined them in the UK already or who was still to join them) were more divided on whether they agreed with the proposal or not compared to those without a spouse or who had not specified.¹⁵ The views of respondents with and without overseas spouses are shown in Figure 22.

Figure 21. Response breakdown by individuals and organisations

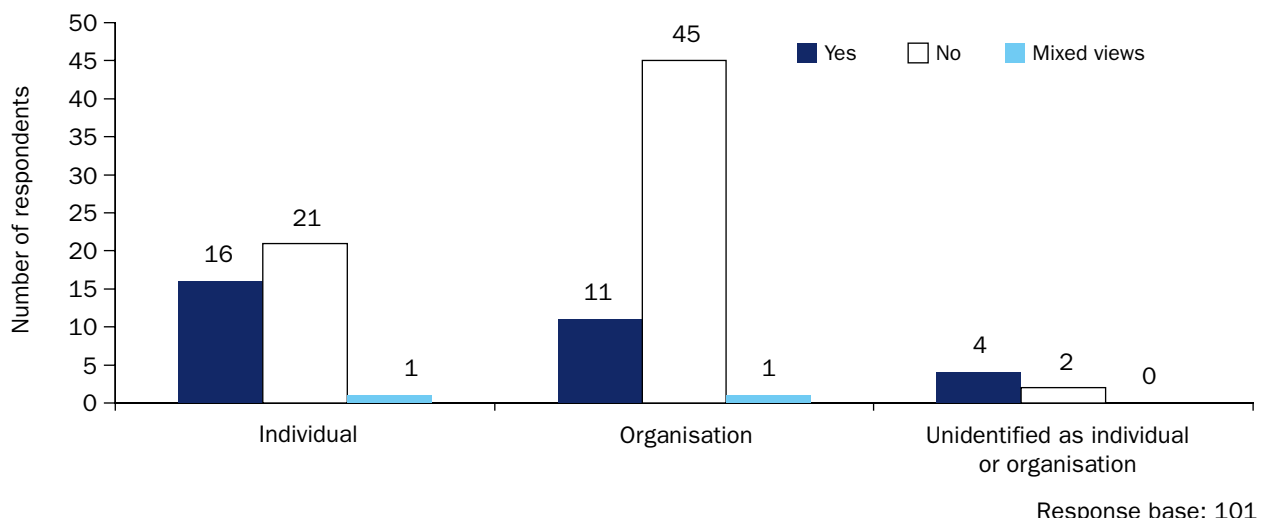
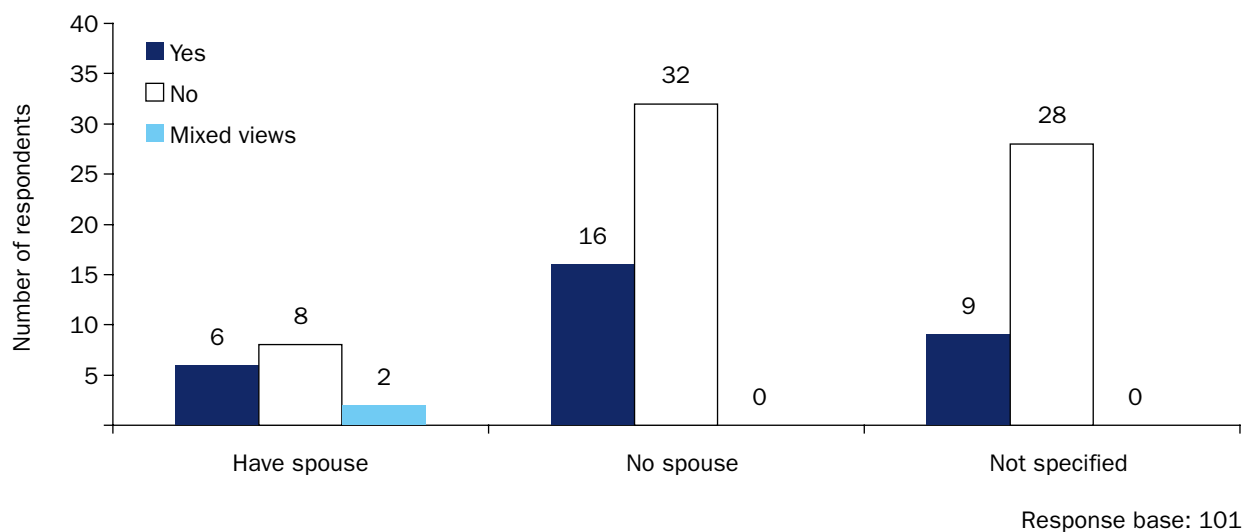


Figure 22. Response breakdown by spouse



¹⁵ It should be noted that as this finding is based on responses from a particularly small number of respondents (16) from a self-selected group rather than a random sample, who indicated that they had a spouse from overseas who had joined them or was still to join them in the UK, this finding cannot be regarded as representative of the wider UK population with a spouse from overseas.

Comments supporting the proposal

Twenty-one respondents who supported the proposal for a pre-entry English language requirement for spouses commented further. The key themes raised are noted below.

- Fourteen respondents said that not speaking English creates communication problems and prevents integration. This can affect an individual's ability to access services independently, create dependency on an English speaking spouse or family, 'tie' individuals (especially females) to the home and limit employment opportunities.

"Basic communication at acceptable levels is integral for integration." (Individual)

"They will not be able to merge and contribute into society if they do not speak English." (Individual)

"... speaking English is vital to integrating into British society. Language skills help people get on in the workplace and make a contribution to their local community." (Central government)

Six of the 21 respondents said that a lack of English language skills limited communication with wider society, with one person saying that "communication is the key to living and working in a different country." One respondent from an organisation stated that, when working with women who have recently moved to the UK, individuals often mention their frustration at being 'tied' to the home and family and that they would welcome a law enabling them to broaden their horizons and take part in wider society. The comment from one responding organisation below makes this point.

"We had clients (women) who did not know how to go into the city centre – we would not treat our non-English speaking customers as victims/incapable but would write details for the bus driver/housing officer that they could present." (Other organisation)

Another respondent stated that a "lack of ability to speak the English language creates communication problems between the new comer vis-à-vis the rest of the general public". It was felt by six respondents

that inability to speak English will lead to confusion and misunderstanding within society at large. A law practitioner said that lack of English skills made it difficult to understand client instructions.

Three further respondents highlighted a need for a basic level of English so an overseas spouse can at least do things such as providing their name and address and deal with necessary documents.

"I think at least a basic knowledge of everyday language, including personal details, asking directions ... enables a person to communicate, at least a little, straight away and therefore mix with local people. It also helps with confidence and is an incentive to learn more and communicate more once in the UK." (Individual)

Another four respondents particularly supported the proposal in terms of the opportunity it would afford to female spouses to be less tied to the home with the chance of accessing employment.

"They (women of South Asian, Yemeni and Somali origin) often stated their frustrations of being 'tied' to the home and family and only hoped that there could be a LAW, which enabled them to broaden their horizons." (Local government)

In a similar vein, three respondents said the proposals would lead to improved employment opportunities.

"Language skills help people get on in the workplace and make a contribution to their local community." Central government

- Four respondents felt it was unfair on British citizens to incur the burden of non-English-speaking citizens, for example, through translation costs.

"The cost incurred to translate into other languages is very high, increasing the tax burden, for people who have not taken the initiative to learn. While it is admirable to want to maintain their cultural heritage, it is also for the same reason that English should be upheld and expected of all coming into the UK." (Individual)

- Two respondents were concerned about personal communications within a mixed marriage with one stating that “communication is a fundamental part of a successful marriage” and another that “ability to communicate more effectively with their spouse will assist in their relationship”. These respondents felt that spouses both needed to be able to speak English.
- One respondent supported the proposal but made the point that other UK languages, not just English, need to be taken into consideration.

“The ability to demonstrate sufficient knowledge of (other UK languages) should be considered the same as being able to demonstrate sufficient knowledge of English.” (Central government)

Comments opposing the proposal

Sixty-six of the 68 respondents who disagreed with the proposal commented further.

- Twenty-eight respondents stated that they did not think there should be a requirement for spouses to demonstrate knowledge of English before they enter the UK because many cannot afford to pay for, or cannot access, English language lessons. Eighteen of these respondents implied that such a policy could be seen as discriminatory as these limitations were likely to occur in particular countries.

“We fear this is discriminatory against nationals of countries where English is not widely spoken and where there is a shortage of good English language tuition.” (Immigration adviser/law practitioner)

“This seems discriminatory against members of communities from outside Europe where standards of education may not be as high, or where English language learning is not a priority. It would also be prejudicial against lower socio-economic classes.” (Educational institution)

“What of people who do not have access to English classes in their own country? This ruling is discriminatory to so many people who have lack of funds or good educational establishments.” (Individual)

Four respondents mentioned specific areas in South Asian countries where access to English language courses would be difficult for this reason.

“... it will not be feasible for all spouses without any English to acquire the necessary level, for some there will be a financial barrier, for others lack of access to English teaching facilities. The latter would certainly be the case for those living in outlying communities such as the regions of Sylhet in Bangladesh or Kashmir in Pakistan.” (Immigration organisation)

Four of these respondents made particular reference to rural populations, and one also cited the particular difficulties that would be experienced by those living in areas affected by wars or military conflicts.

“...will have had no means to learn English so this legislation would become an insurmountable barrier”. (Individual)

In making the above arguments, three respondents pointed out that many immigrants currently living in the UK come from rural areas in South Asia where they would have had limited opportunities to learn English.

- Three respondents agreed it was desirable that spouses learn English, but a lack of English skills should not prevent spouses from entering the country.

“Where possible people should be encouraged to undertake English classes but this should not be a requirement before being able to get a visa to join your partner.” (Individual)

“It would be preferable to learn speak before going to any country and in particular if one intends to live there. However to make it a condition for visa is something quite different and sends a negative message about UK. Once the spouse is here in UK then they should be learning the language through ESOL¹⁸ or other courses. Think if we had to learn the language to obtain a visa for entering other countries, I would personally feel that is deliberately there to put me off from going to that country.” (Voluntary organisation)

“It would be far more efficient, both economically and in terms of learning outcomes, to require English learning to take place during the first year of residence in the UK, rather than barring immigrants with spouse visas from classes for the first year, as happens now.” (ESOL professional)

- An educational institution foresaw problems in running large-scale tests and was concerned that tests could be used as a tool to restrict immigration in the future.
- Ten respondents suggested post-entry tests would be fairer and two thought the suggested pre-entry system could be open to corruption and abuse. Moreover, they thought there would be very significant practical difficulties in making tests available to all.

“Who will design the test, who will administer it, how many centres will be set up, who will verify the results and provide proof? How much will this cost and who will pay?” (ESOL professional)

Three respondents stated that the current arrangements are effective enough and that money should be directed towards existing tuition services at post-entry stage, with particular reference to ESOL. Beyond supporting existing arrangements these respondents did not expand on their views about the effectiveness of the current system.

“The introduction of the requirement to have knowledge of English before one applies for ILR is sufficient in its own nature.” (Law practitioner)

Five respondents stated that if someone wishing to settle in the UK does not speak English, the best place for them to learn is in Britain where the environment and facilities are conducive to this.

“My personal experience as a linguist and language teacher has told me that it is far easier to learn a language when one is in the culture where it is spoken – Second Language Acquisition theory backs that up.” (Individual)

A community group suggested that projects in the UK are much more effective in preventing social isolation and teaching skills, such as visiting the doctor and using the post office, which cannot be learnt abroad.

- The right to live with family is a recurring theme. Fifteen respondents made reference to the impact the proposals would have on family life, and conflict with the principles of family unity, both in legal and emotional terms.

Eleven respondents said specifically that the proposal conflicted with the principles of human rights and equality and would impact negatively on family reunification and the right to live with a spouse.

“The determining factor for entry to the UK as a spouse should be support for family reunification or settlement, not linguistic ability.” (Law practice)

Further respondents commented as follows.

“The policy would also jeopardise relations among family members – potentially breaking up marriages – because of the strains caused by undue interference in the private sphere of family life.” (Voluntary sector organisation)

“The purpose of the Immigration Rules and international humanitarian law is to facilitate family unity and all measures to that end should be encouraged.” (Law practitioner)

“A spouse or fiancé(e) should not be barred from joining a partner in the UK for language reasons. This is neither proportionate nor necessary in a democratic society and is instead an unjustified interference with rights to private and family life the proposals would constitute an interference with the Article 8 right to respect for private and family life and in certain circumstances Article 12 (right to marry and found a family) of the European Convention on Human Rights.” (Immigration law practitioner)

“We believe that they have right to reunite with their husbands and children regardless of their knowledge of English because most of them are coming from a non developed countries and some of them are illiterate due to poverty and war.” (Charity)

“It can be heartbreaking for a UK resident that has married from abroad and realises he has to wait a minimum of 2-3 years to teach their partner English.” (Individual)

There may be a “potential breach of rights under the European Convention on Human Rights, as follows: right to private and family life (Article 8); right to marry (Article 12); and non-discrimination (Article 14).” (Local government)

Six respondents pointed out the bias towards English-speaking nations and the exclusion of EU individuals from the proposed requirement. One respondent felt that not requiring EU citizens to take an English test suggests the tests are symbolic rather than practical.

“EU citizens may enter UK without a language qualification. In practical terms, then, ability to pass a language test is clearly not a pre-requisite for coping with life in Britain. In fact, pre-entry English tests seem to have a symbolic rather than a practical purpose.” (Other organisation)

- It was thought that even if the spouse is required to have knowledge of English, there is no guarantee that the spouse will build on this knowledge once resident in the UK. An organisation developed on this further by pointing out couples may not communicate in English on a day-to-day basis.
- In addition to this, two respondents expressed fears that the plans will hinder integration and cohesion through discrimination.

“... this could cause resentment and possibly exacerbate tensions between the different communities, with the effect of bringing about less community cohesion, not more.” (ESOL professional)

- Three respondents suggested that it would be another unnecessary hurdle for people wanting to come to this country, and because of the time they spent in reaching the required standard, they may fail on other requirements needed for entering the UK, of which they may be unaware.

“In practice, we fear that the proposal would operate more as a bar to entry to the UK than as a means of encouraging integration.” (Voluntary organisation)

Question 2 Do you think the three objectives behind the introduction of a pre-entry English requirement are well founded?

The intention of this question was to ask whether the introduction of a pre-entry English language test would contribute towards the following three objectives, but it is recognised that respondents interpreted the question in a variety of ways. Nevertheless all types of response have been considered here in the analysis.

Objective 1: To assist the spouse’s integration into British society at an early stage

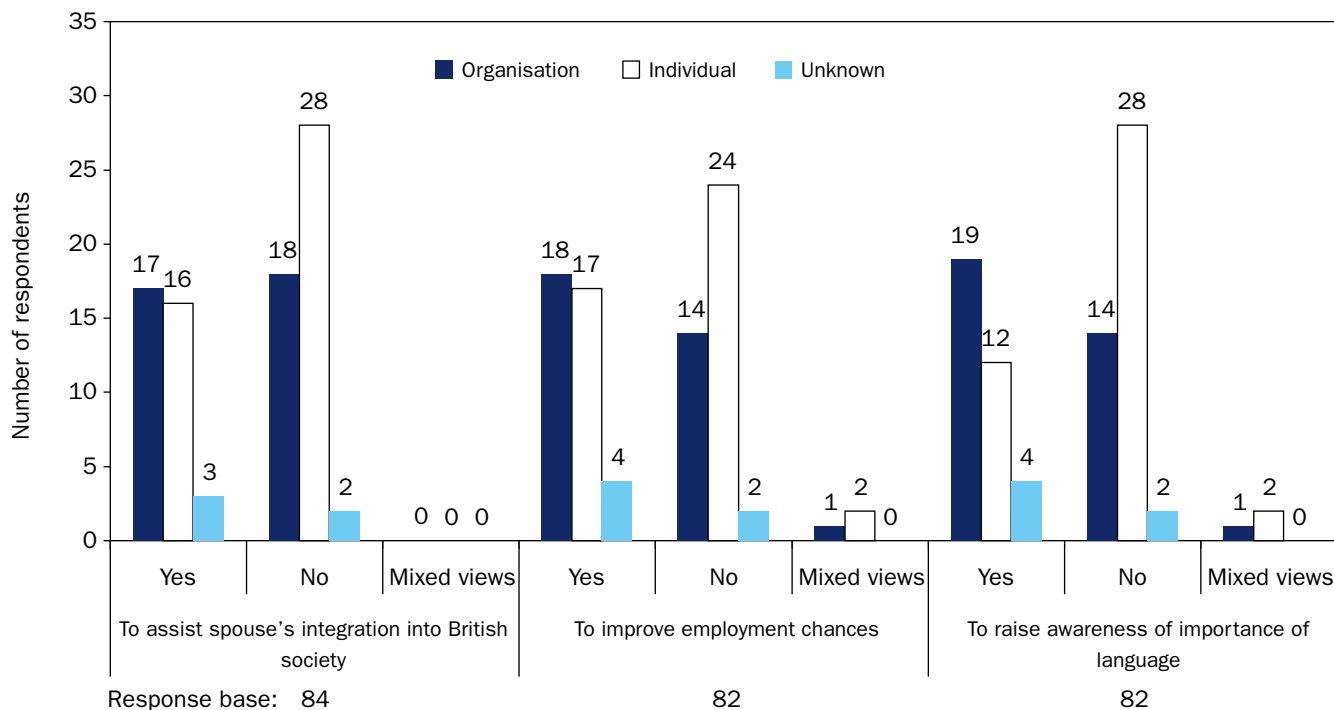
Thirty-six respondents agreed that the objective to assist the spouse’s integration into British society at an early stage is well founded, but 48 respondents disagreed with this objective. Views are shown in Figure 8.

Objective 2: To improve employment chances for those who have access to the labour market

Thirty-nine respondents agreed with the objective to improve employment chances for those who have access to the labour market. Forty respondents disagreed with this proposal and three respondents had mixed views. These views are shown in Figure 8.

Objective 3: To raise awareness of the importance of language and to prepare the spouse for the tests they will need to pass for settlement

Figure 24. Response breakdown by individual and organisation



Comments opposing the objectives

Only respondents who did not consider one or more of the objectives to be well founded were asked to comment further. Forty-nine such respondents commented and the following themes emerged.

- Fourteen respondents said that the ability to pass an English test does not necessarily lead to integration.

“A person who can answer, by rote, a few basic level questions, will not thereby be able to function in British society. Over my years as an ESOL tutor, I have had a number of well-educated students whose education included extensive English lessons, but who found that English as taught did not reflect English as spoken and, to a lesser extent, as written, in the UK.” (ESOL professional)

Nine respondents made reference to ESOL and particularly UK-based ESOL courses. They suggested that more emphasis was required on post-entry tests. This view was supported by a local government body and other national non-governmental organisations.

“Money spent on testing without tuition would be better spent on supporting ESOL courses” (Charity),

One respondent raised specific concerns about government changes in ESOL funding and suggested that spouses should be promptly directed to a course on arrival in the UK.

“At the same time that the Government has introduced the life in the UK skills test it has reduced accessibility to ESOL courses through a change in charging regime for spouses. Early routing of spouses to English courses on arrival in the UK at affordable prices is a more proactive route. The testing, of itself, is more likely to pressurise and alienate new arrivals.” (Individual)

A further respondent supported the learning of English in the UK and suggested changes to the availability of ESOL courses.

“All of points 1-3 above would be helped not by testing spouses in their country of origin but by offering them high quality ESOL classes in the first year – i.e. abolish the rule which makes them wait a year for access to reduced fees.” (Individual)

- Three respondents stated that it is not necessary to learn the English language before entering the UK, as it is more beneficial for the respondent to learn the language while they are living in the country. One respondent stated that learning English is learning about both the culture of the UK and being able to get to know and understand the country. One individual said that the benefit of learning the language in order to prepare for the testing requirements “is a moot point”. The respondent stated that, if the person truly wishes to remain in the country and wants to contribute to this economy, he or she will find a way to learn the language.

“... the ability of such a low-level test to have a marked effect on the participant’s subsequent ability to integrate into UK society, to successfully participate in the UK labour market and to make aware the importance of language, may be over-estimated. All these outcomes will be better achieved by the language requirement at the end of the probationary period. Further, by attending ESOL classes in the UK, spouses are able to make social contacts in their neighbourhood, which is vital to successful integration.” (Charity)

“In our experience, the most effective way of seeking to ‘integrate’ spouses is to provide resources and facilities in the UK itself. The overwhelming majority of overseas female spouses that attend [organisation name] have desires and aspirations to improve their lives and those of their children. They are keen to learn English which they know will improve their chances of access to employment and to self-sufficient living.” (Charity)

- Three respondents suggested that the UK should offer better opportunities to learn English and that immigrants should be aware of the need to learn. One respondent stated that knowledge of English (or another official UK language) is clearly of benefit to someone settling in the UK, but the best time to begin learning is immediately upon entry to the country, taking advantage of the huge amount of expertise available. Another respondent expressed similar views, stating that directing spouses towards English courses on arrival in the UK at affordable prices “is a more proactive route” (Individual). One respondent went on to say that there is no evidence that people coming to this country are unaware of the importance of knowing English.

“Anecdotal evidence suggests, on the contrary, that people coming here from other countries are extremely anxious to learn English and are only frustrated if resources or circumstances prevent them from doing so.” (ESOL professional)

- Three respondents suggested there is little need to improve employment chances as there are numerous job opportunities available at lower levels where one does not require English and because not all spouses wish to work.

“So far as employment is concerned, there are numerous amounts of job opportunities available at lower level, where one does not have to speak a single word while doing his work.” (Law practitioner)

- Four respondents suggested that learning English is not enough in itself, but rather immigrants need to immerse themselves in British society. They did not see that the ability to speak English leads automatically to integration.

“Speaking English does not necessarily lead to more integration. They should subscribe to the British values and be encouraged to have a voice in the local community.” (Other organisation)

“... agree that ‘integration’ is desirable as soon as possible. However it is not clear how testing alone would ensure that this would happen.” (Voluntary/community/charity organisation)

- One respondent stated that one also has to be willing to integrate into British society. They pointed out that there have been incidents when British citizens, born in Britain, have committed acts not in the interest of their own society, highlighting that even some British citizens are not integrated.

“One cannot integrate into a society if that society is already divided into racial and ethnic portions.” (Law practice)

- Four respondents disagreed with the objective of improving employment chances, stating that spouses are usually female and could well be occupied with home and children or able to find work within the family or their immediate community where the English language is not required.

Question 3 Please also list any other key objective(s) you feel are relevant to support the introduction of a pre-entry English requirement

Twenty-two respondents listed further key objectives they felt relevant to support the introduction of a pre-entry English requirement. These included the following.

- Acceptance of the individual by UK society and demonstration of allegiance by the migrant (seven respondents).

“Being able to communicate in English will help the individual to be accepted by society. It shows their willingness to take on some of the practices of this country, which in turn helps to minimise the stress associated with living in a new country.” (Individual)

“To pledge allegiance to the UK as a country and respect her as your own home country.” (Individual)

- Reduce inequality among migrants and subsequent language barriers (three respondents).
- Strengthen capacity to get by on a day-to-day basis in the UK (two respondents).

“All services are provided in English and, with pressures to scale back interpreters, knowing English in order to survive is paramount.” (Individual)

- Protect vulnerable people, particularly women (three respondents).

“We would seek for this ... to be more directed at ... supporting newly arrived immigrants in the UK, who are often among the most vulnerable in our society.” (Voluntary/community organisation)

A number of further points were made in response to this question, including the following.

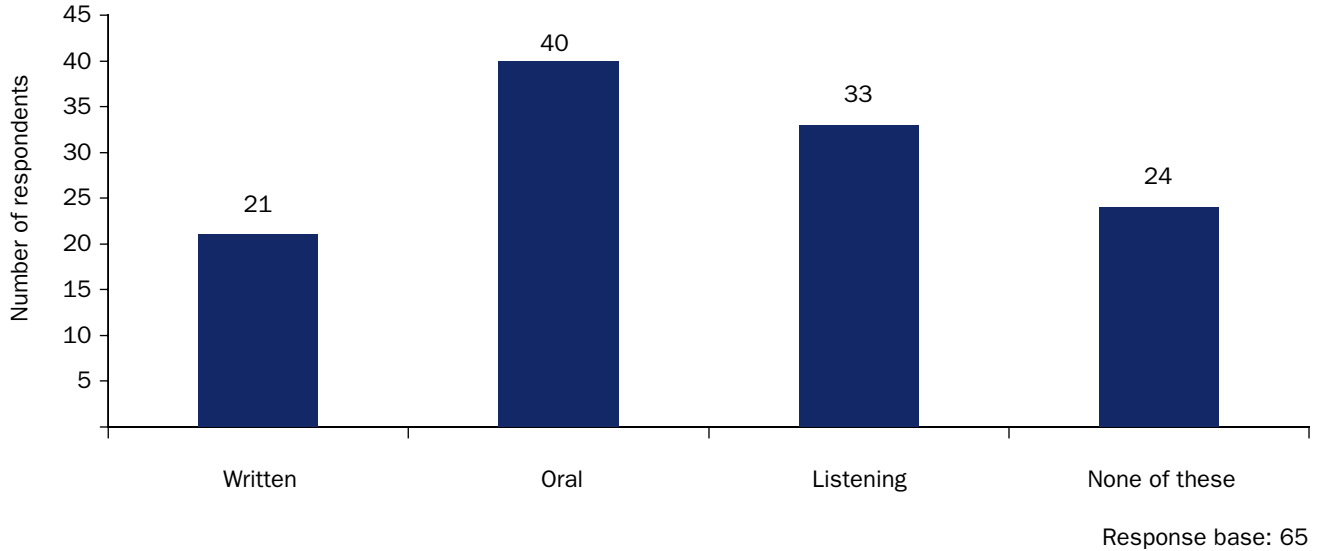
- The need to allow learning of English to take place in the UK (eight respondents) was reiterated here, suggesting a time limit on achieving an acceptable standard.

- The need to help, not hinder, people – that is the pre-entry English requirement should support and make it easier, not more difficult, for spouses to learn English (four respondents).
- The need to recognise the needs of couples who wish to divide their time between their respective countries (one respondent).
- The need to consider cost, both to the UK and the migrant. Possible relocation costs were mentioned for migrants and the costs of setting up the system was mentioned in relation to the UK (two respondents).

Question 4 Would a written, speaking, listening or other test be most appropriate for spouses to demonstrate English ability?

A total of 65 respondents suggested which test(s) might be most appropriate for spouses to demonstrate English language ability – some of these respondents selected more than one option. An oral test of English ability received most support from respondents (40). A listening test was supported by 33 respondents, with support for a written test from 21 respondents. Twenty-four respondents thought that none of the tests was appropriate. Support for each type of test is shown in Figure 25.

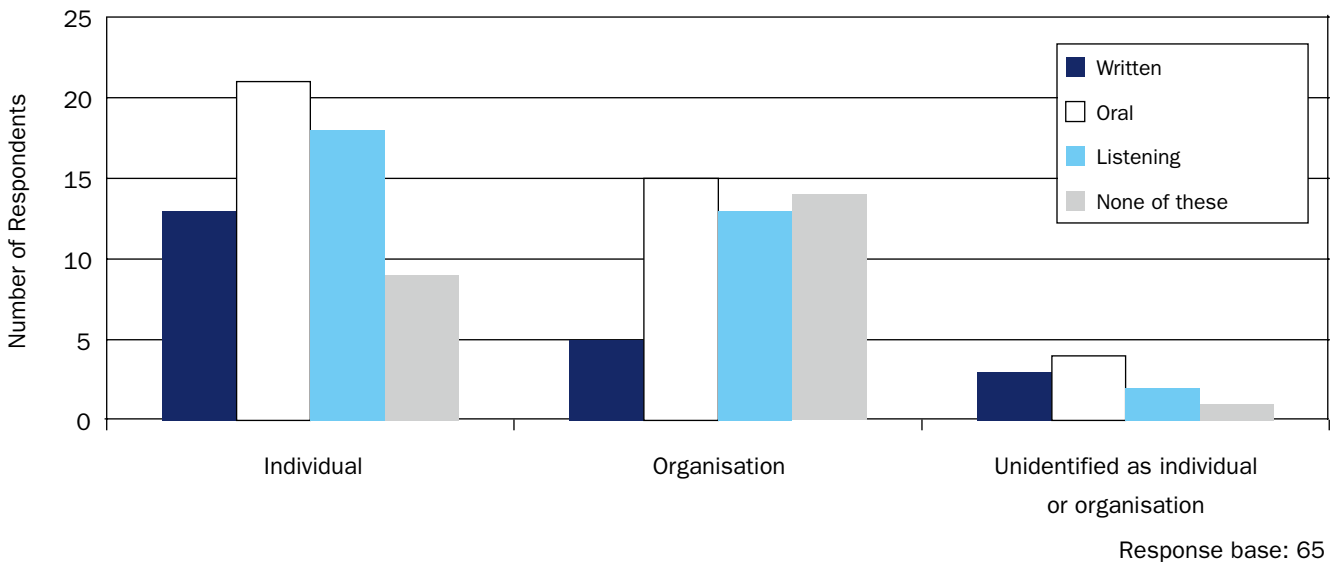
Figure 25. All responses



NB. Respondents could indicate multiple factors so totals may not add up to the response base shown.

Individuals were more likely than organisations to support all types of test whilst organisations were more likely to say that none of the suggested tests was appropriate. Figure 26 shows views on appropriate tests by respondent category.

Figure 26. Response breakdown by individual and organisation



NB. Respondents could indicate multiple factors so totals may not add up to the response base shown.

Forty-five respondents commented on the type of test that would best demonstrate English ability.

- Nineteen respondents reiterated their opposition to any test prior to a spouse entering the UK. These respondents suggested either that there should be no test at all or that any testing or evaluation take place in the UK after the spouse has had an opportunity to learn English.
- Four respondents proposed specific testing procedures, with one suggesting an interview in English, together with the spouse, “*to evaluate their combined ability to communicate in English*” (Individual). Another favoured a multiple choice test or documents from a school or college to prove tuition has taken place. One respondent stated that a short test combining all the elements (telephone interview, writing a simple letter, listening to directions, etc.) would be appropriate. Another favoured an oral and listening test as they support each other, but a written test “would be taxing”. (Law practice)
- One respondent felt the oral test would be most appropriate, yet it is also the type of test that would take the most expertise to administer effectively. Another respondent felt a written test would be most appropriate as potential differences in accents in both examiner and student may be an issue for oral tests.
- Three respondents believed an adequate test is already in place with “Life in the UK” for those applying for Indefinite Leave to Remain.

Question 5 Where should the test be undertaken?

Fifty-one respondents commented on where the English language test should be taken; some made more than one suggestion. Eight respondents again registered their complete opposition to any test. Four made the point that the test should be done under secure conditions and administered by testing experts.

One respondent stressed the importance of test location accessibility.

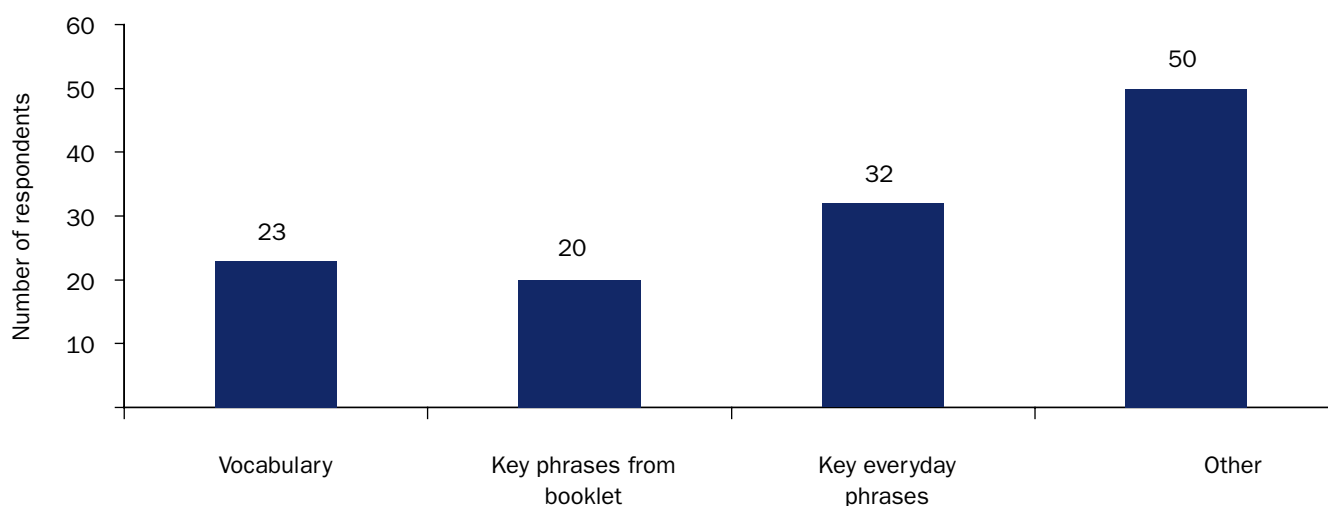
The suggestions for test locations in the UK and in immigrants’ home countries were as follows.

- In the UK (18 respondents – 12 of these explicitly argued for a post-entry test):
 - local authority or government-run test centres (ten respondents);
 - as with ESOL – at a suitable local venue (six respondents); and
 - public location, e.g. community centre or school (two respondents).
- Outside the UK (11 respondents):
 - as part of the visa application process (five respondents);
 - local school in applicant’s country (two respondents);
 - at the Embassy/High Commission/British Council – to ensure it is not abused and is a standardised procedure (six respondents); and
 - in their own country, mostly in a controlled standardised environment (three respondents).

Question 6 What should the content of the test be based on?

Sixty-seven respondents answered the question on what English tests should consist of – some provided more than one response. Thirty-two respondents supported inclusion of key everyday phrases. Twenty-three respondents supported a vocabulary requirement only and 20 supported the inclusion of key phrases from a booklet on living and working in Britain¹⁶. Fifty said that the test should be based on ‘other’ content, with 36 suggesting what that might include. Views are shown in Figure 27.

¹⁶ This booklet refers to a potential future publication by the UK Border Agency about living and working in Britain. Work is still in progress on this booklet, but it could be adapted for migrants to study in relation to English language requirements. This booklet would not be the same as the *Life in the UK* book.

Figure 27. All responses

Response base: 67

NB. Respondents could indicate multiple factors so totals may not add up to the response base shown.

The 36 respondents who suggested ‘other’ content put forward the following ideas or made additional comments.

- Seven felt that knowing everyday language to get by at home, school and interact with other services was sufficient. Three stated that knowing ‘common phrases’ might be enough knowledge of English to demonstrate English ability.

“It is the understanding and knowledge of English that is important, then the use of everyday phrases would be adequate to demonstrate one’s competence”. (Law practitioner)

- However, six respondents felt that the test needed to go further than common phrases or being able to read from simple texts and that people must have proper understanding of the language, grammar and everyday use of English. These respondents pointed out that people need to be able to use English and understand the UK and that *“any form of pre-entry test should include citizenship aspects and people should get to understand these e.g. common greetings, what democracy means, equalities & diversities in practice”* (Local government). One respondent suggested people should be “able to hold a conversation”.

“Parrott-fashion reading will not benefit the learner.” (Individual)

One individual set a very high standard, suggesting that the test requires the following.

“A mixture of all the above. Also, general knowledge, geography, literature, history, poetry, sciences, mathematics – anything in general. About life not just in the U.K. but Europe or the West as a whole.” (Individual)

- An educational institution stated that “a learning booklet as described in 2.6 would only encourage learning which is decontextualised and irrelevant”. Another two respondents noted that “the above proposals indicate a complete lack of understanding of the complexities of second language learning and testing”. (Educational institution)
- Seven respondents suggested that the test be based on specific standards, namely ESOL tests and the examinations of the English Speaking Board. One respondent provided ten sample questions from www.focuss.org.uk. Another stated that “Teachers and former immigrants would be the best sources for formulating such a test”. (Individual)
- One respondent made the point that the tests should be ‘passable’. Another (from an organisation) drew attention to the learning

styles of different people, stating Thai people for example, are likely to memorise the words but not necessarily understand them, if learning was through a learning aid such as a CD-Rom.

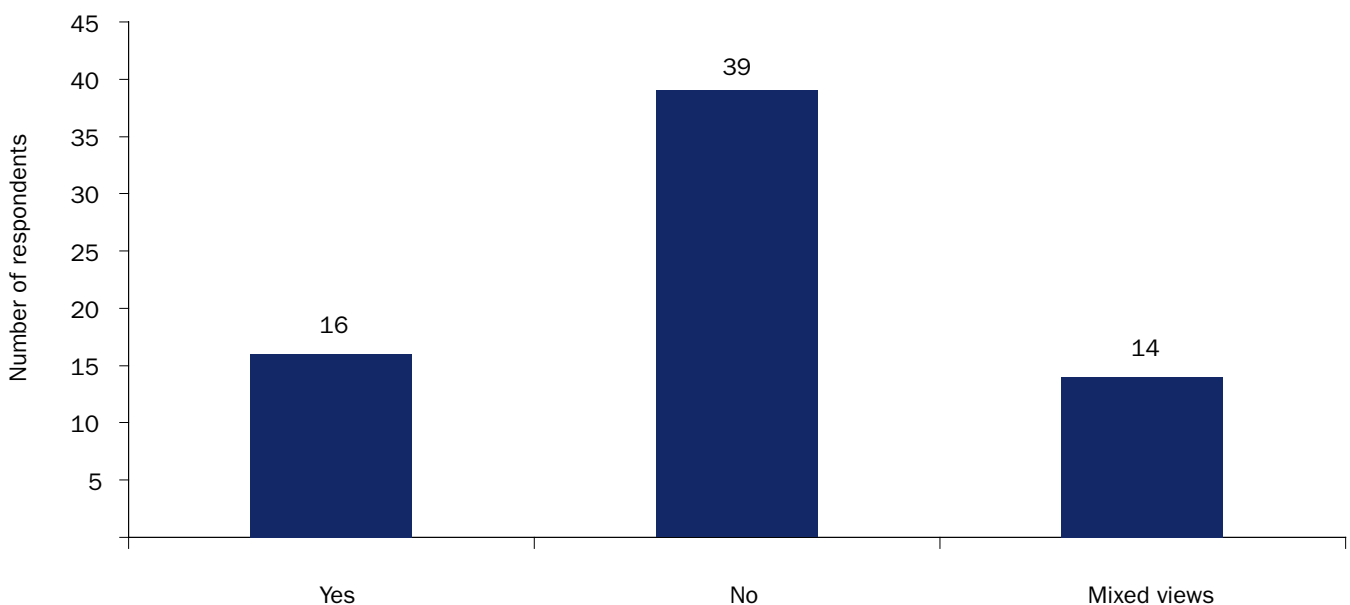
- One respondent suggested very specific activities for the test, including the ability to follow instructions and undertake a comprehension test based on current affairs.
- Three respondents thought that none of the suggested options would meet the requirement and that the complexity of learning English was not recognised in the proposals.
- One individual pointed out the difficulty of learning a language out of context.

Question 7 Do you think applicants with mental health issues or physical impairment should still be required to take an English language test?

The intention of this question was to ask whether those who are incapable of learning (because of disability rather than illiteracy) should be exempt from taking a pre-entry English language test, but it is recognised that respondents interpreted the question in a variety of ways. Nevertheless, all types of response have been considered here in the analysis.

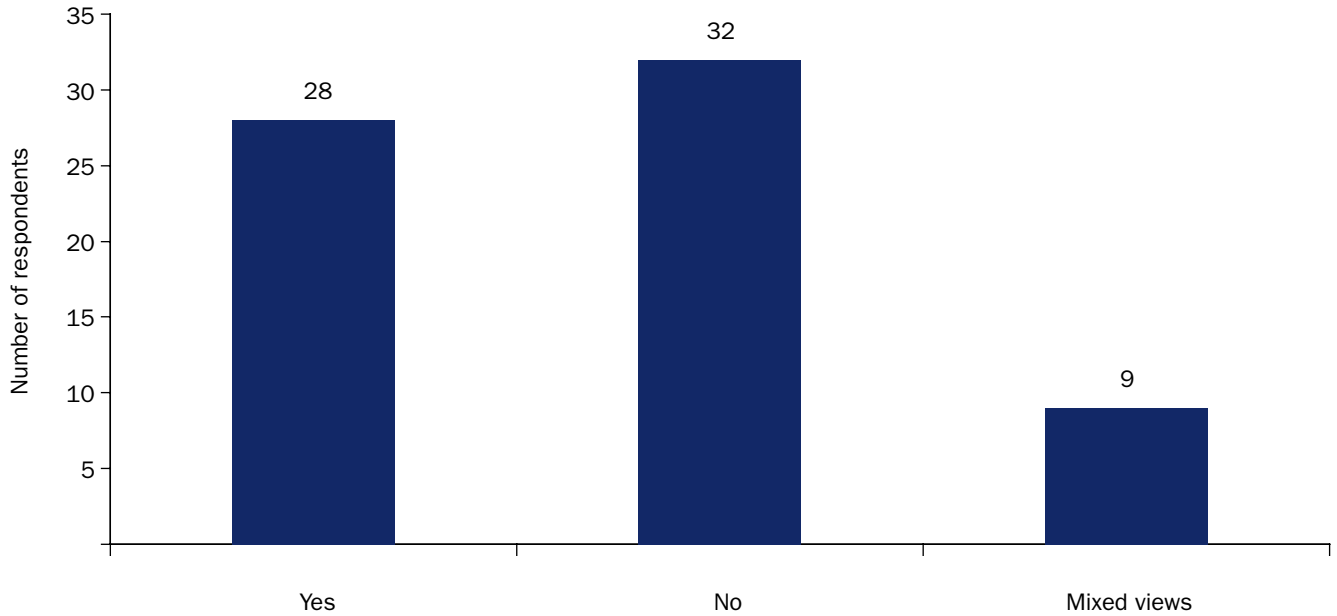
Sixteen of the 69 respondents who replied agreed that applicants with mental health issues be required to take an English language test. Thirty-nine respondents disagreed with this proposal and a further 14 respondents had mixed views on whether applicants with such disabilities should be required to take a test. Views are shown in Figure 28.

Figure 28. All responses



Response base: 69

Figure 29. All responses



Response base: 69

Organisations and individuals were equally likely to disagree with the suggestion that those with mental health issues should be required to take a test. Seven of 24 individuals disagreed along with six of 32 organisations.

Of the 69 respondents who answered the question about physical impairment and testing, 28 supported English testing for those with physical disabilities whilst slightly more respondents (32) disagreed with this suggestion. Nine respondents did not express a view on testing for those with physical impairment. Views on testing for applicants with physical impairment are shown in Figure 29.

Organisations and individuals were almost equally divided on whether applicants with physical impairment should take a test. Fourteen of 33 individuals supported testing for applicants with physical impairments along with 13 of 31 organisations.

Forty-seven respondents commented further on whether those with mental or physical disability should be required to take an English test.

- Six respondents felt that it would depend on the type and extent of physical or mental impairment, stating different types of test will be more appropriate for different types of people.

“... those with physical impairment should be judged on the basis of the disability they have.” (Law practice)

- Eight respondents felt mental or physical impairment did not affect an individual’s ability to learn English, and therefore should be tested in the same way in the interests of equality. One respondent stated that *“People with impairments still need to integrate into society”*. (Educational institution)
- On a different note, four respondents thought they should not be given the test on the grounds of discrimination, and that *“any such tests would be additionally intrusive and obstructive to persons with already serious handicaps”*.

“If the suggestion is that spouses who are mentally or physically incapable of taking the test should be denied permission to live with their partners, it is clearly absurd.” (Individual)

- Two respondents stated that, for example, an oral test cannot be administered fairly to someone who, whether for mental or physical reasons, cannot communicate orally. By the same logic a written test cannot be administered fairly to someone who is dyslexic or who has a physical disability that prevents them from writing.
- One respondent said a temporary mental health issue should not prevent the applicant from coming to the country, whilst another two did not want those with disabilities allowed into the country because of the potential cost to the health service. Two respondents wanted those with mental health issues refused entry, referring to the cost to the health service and potential inability to contribute to the economy.

Question 8 If a spouse fails to meet the required level of English, should they be able to apply for temporary leave to learn English in the UK?

More than two-thirds (47 of the 68 respondents) who answered this question agreed with the suggestion that applicants failing to meet the required standard of English should be able to apply for temporary leave to learn English in the UK. A little over a quarter of respondents (18) disagreed and three had mixed views.

The responses to this question and the divisions in opinion exhibited over the objectives underpinning the proposals (Question 2), indicate that many respondents do understand the value of learning English for purposes of integration. However, they do not support the enforced pre-entry element of the main consultation proposal and feel people should be given the opportunity to learn English at the post-entry stage. Views on the granting of temporary leave are shown in Figure 30.

Figure 30. All responses

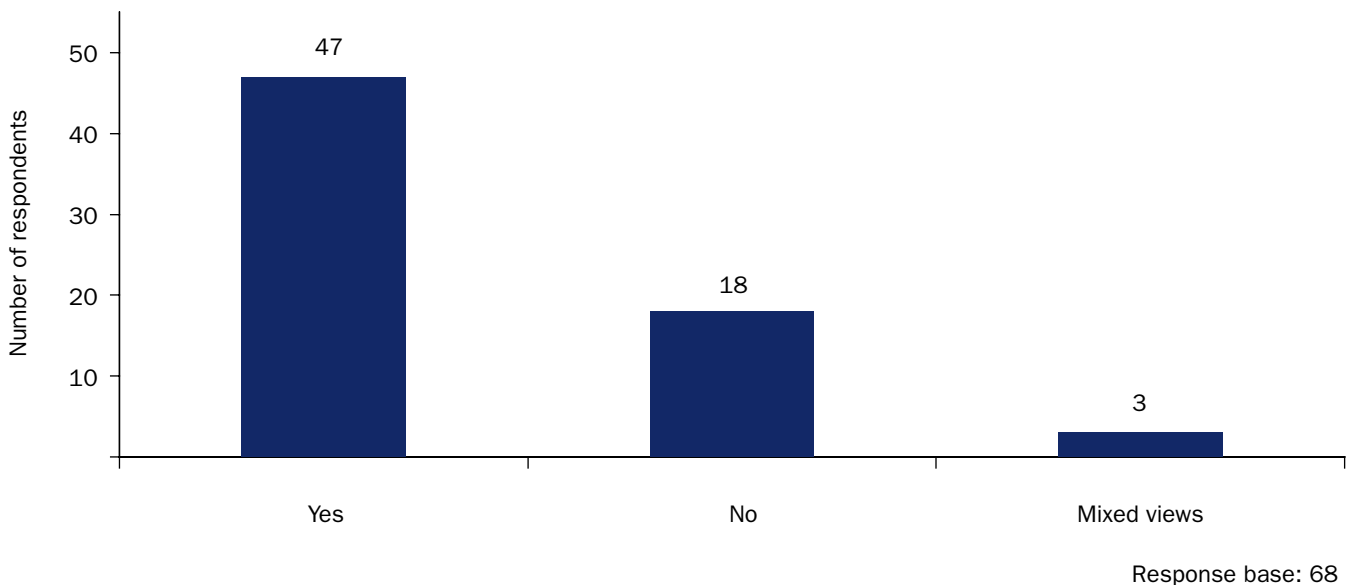
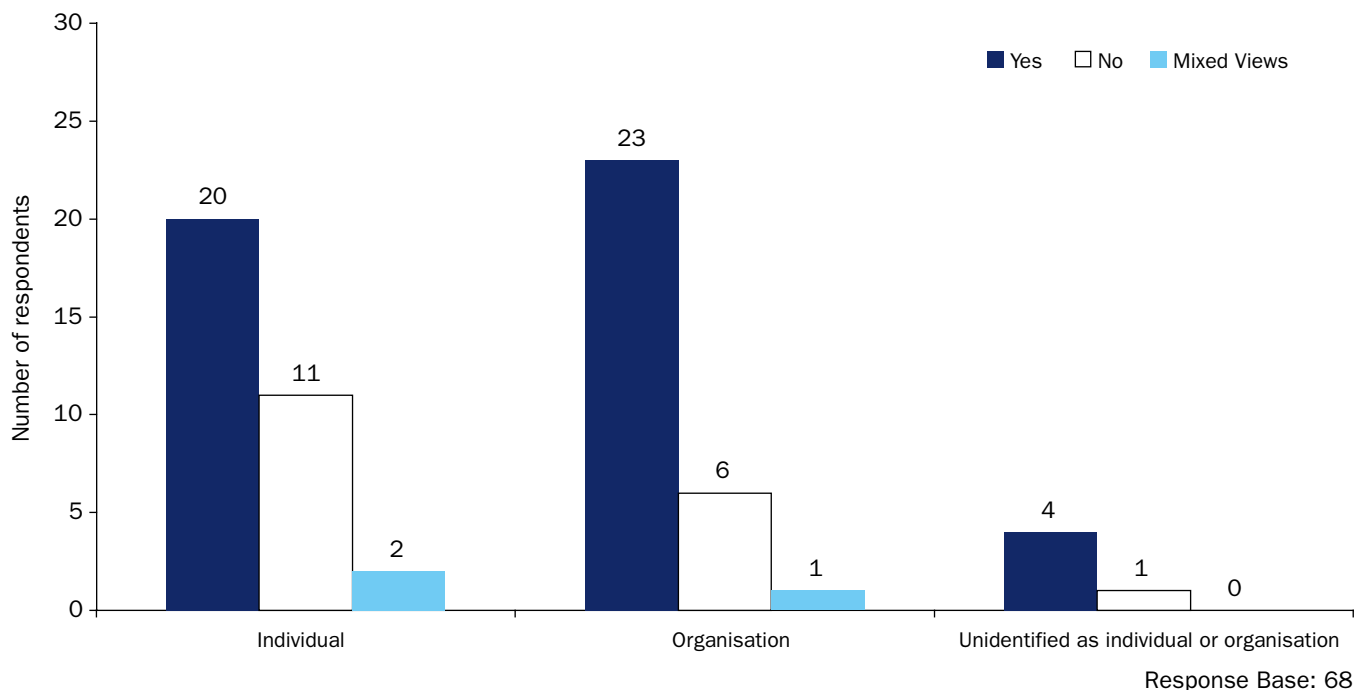


Figure 31. Response breakdown by individual and organisation

Organisations were more likely than individuals to support the granting of temporary leave if the required English standard was not met by a spouse. Twenty-three of 30 organisations supported this proposal compared to 20 of 33 individuals. Figure 31 shows organisation and individual respondents' views on granting temporary leave to remain.

Forty-three respondents gave comments that supported their agreement with this proposal, with many reiterating their preference for English language skills to be acquired in the UK.

- Six respondents felt that it would be appropriate for the applicant to come to the UK without any knowledge of English. Two of these respondents felt English was best learnt in the UK.

“The best place to learn the language of a community is in that community.” (Educational institution)

However, some did attach caveats to temporary permission being given and suggested that applicants would need to have reached a certain level, would have to take the test within a specific time frame, or have good reasons for not passing the test (one respondent suggested pregnancy might prevent

participation in the required lessons). One respondent suggested giving the applicant three attempts at passing the test before being given temporary leave to come to the UK.

Four respondents reiterated their opinion that it was unjust to separate spouses on the basis of English language ability.

“It would be unfair to keep married couples separated purely on the basis that one partner is struggling to pick up on a new language.” (Anon)

- Three respondents felt that this suggestion allowed for different rates of learning and would remove anxieties and stress about the test which might impair performance.
- “I am convinced they will learn more if they are not anxious about the exam element and the fact that their future depends on it. They can be required to learn English on arrival.” (Individual)
- Two respondents stated that if allowing temporary leave to remain, subject to passing an English test was implemented, it would be an acceptable compromise.

Eleven respondents commented further on their disagreement with this suggestion.

- Three felt this suggestion was contradictory as “it is either a requirement or not; what is the point of having the rule if everyone can fail and still enter the UK?” (Individual). An immigration organisation considered that it “defeats the object of the programme and will be abused”. Four respondents felt that, if the answer were “Yes” to temporary leave, the take-up rate for learning English could become minimal in some countries.

“It is important to establish the principle that English must be learned first.” (Individual)

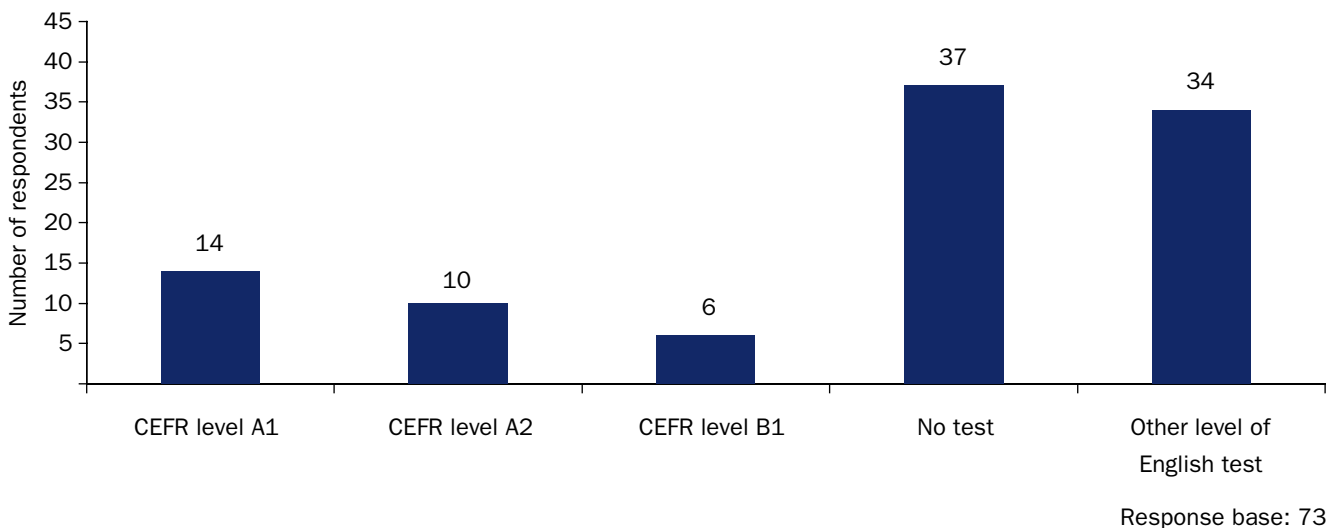
- One respondent queried whether spouses would be separated if an individual failed to attain the required standard of English during a temporary leave period.
- Another respondent felt there were plenty of opportunities to learn English and so no excuse not to do so; another respondent believed it is not the UK’s responsibility to teach applicants English.

- Two respondents thought that spouses may just ‘disappear’ once they had entered the UK and the requirement to learn English would not be met.

Question 9 What do you think would be the most appropriate CEFR¹⁷ level of English to test for at the pre-entry stage?

A total of 73 respondents answered this question, but some provided more than one response (Figure 32). Respondents were divided on the appropriate level of English to test for at the pre-entry stage. The largest single group of respondents said there should be no test at all (37) and 34 suggested ‘other’ tests. CEFR level A1 had greatest support with agreement from 14 respondents. Ten respondents supported CEFR level A2 and just six respondents thought the test should be at CEFR level B1.

Figure 32. All responses



NB. Respondents could indicate multiple factors so totals may not add up to the response base shown.

¹⁷ Common European Framework of Reference for Languages – A1 is the lowest level of attainment and C2 is the highest. See Annex 7 for a full description of the CEFR levels.

Eight respondents suggested other tests as detailed below.

- Three respondents said a range of tests should be available depending on the country of origin and recognising the range of backgrounds and previous academic experience of applicants.
- One respondent thought employers should be responsible for testing.

“If the person is seeking employment, the onus should be on the employer to give an appropriate level test.” (Charity)

- Three respondents wanted basic or informal tests to ensure the spouse had a grounding in English.
- One respondent thought the new tests should be linked to existing qualifications, saying *“levels required need to be linked to the ESOL levels used by the DfES in the Adult ESOL Core Curriculum and Skills for Life ESOL programme”*. (Individual)
- One respondent questioned the use of CEFR standard levels when other parts of the UK have their own standards.

Six respondents commented on the need for a level of English above A1 level, stating that a good understanding and ability to communicate, interact fluently and spontaneously is required for a person who seeks to settle in the UK for either a short period or long term. There will also be a chance for respondents to develop their English afterwards, while living in the UK.

One respondent thought even A1 level would raise equality issues among those from varied backgrounds, as those from poorer, less educated backgrounds were likely to have less knowledge of the UK. An organisation believed *“that there should also be an option to sit an A2 test as a precursor to the Life in the UK Test. This will assist individuals in preparing them for a Life in the UK Test which is levelled at B1”*. Another respondent felt the test should be at least at CEFR level C1.

Question 10 Given the practicalities mentioned in Chapter 4, how do you think we should make the language learning materials universally available?

Fifty-one respondents commented on how they thought language learning materials could be made universally available. They made the following suggestions:

- interactive educational CDs, video and audio services (three respondents);
- online materials including books in PDF format and downloadable resources available from the Home Office website and other sources (ten respondents);
- classroom materials and teaching packs (five respondents);
- a trained specialist to deliver the training (three respondents); and
- hardcopy resources available from local council, post office or other retailers in UK / other countries (seven respondents).

A number of websites were also mentioned.

- The English Speaking Board (www.esbuk.org) provides examiners overseas.
- An internet service (www.talk2me.org.uk) with opportunities for e-learning that does not require a facilitator.
- Access, through www.affinities.org.uk, to a range of e-learning programmes, psychometric tests and surveys online. Some of these require a facilitator and some do not.
- Nineteen related comments were made regarding the practicalities of universal provision of learning materials.
- Some respondents felt that there should be financial support from the sponsor or the sponsored spouse (two respondents).

-
- Some respondents felt there was the opportunity for abuse of the system, and lack of control over the system abroad (five respondents). As one respondent stated, there is the chance that “*a plethora of fly-by-night, bogus, language schools taking money but not providing the necessary quality of teaching will obviously move into the market both abroad and in the UK.*” (Individual)
 - It was noted by five respondents that there is no viable, cost-effective, equally accessible option, and this must be resolved before the proposal is taken further.

“The consultation document offers no practical, workable ways of resolving problems such as unequal access to learning opportunities, the internet or other relevant technology”. (Local government)

- Eight respondents were concerned about access issues, particularly the use of the Internet, as lack of local facilities or IT skills will limit access.

ANNEX 1: METHODOLOGY (MARRIAGE TO PARTNERS FROM OVERSEAS)

This consultation was undertaken in accordance with the Better Regulation Executive (BRE, 2004) Code of Practice on Consultation¹⁸.

Letters and emails were sent to approximately 175 organisations identified as being likely to have an interest to alert them to the consultation and encourage response. Reminders were sent to increase response rates.

The consultation document and questionnaire were made available on both the UK Border Agency and Home Office websites. Respondents could return either hardcopy or electronic responses. Late responses were accepted for one week after the deadline. Responses that comprised solely abuse and/or no discernable comment or relevant response to the consultation were excluded from the analysis.

The following analysis is based on 56 responses to the consultation on marriage to partners from overseas. Thirty-four were received as completed questionnaires and 19 as free-form emails or letters. Three respondents sent both a completed questionnaire and a covering email. Twenty-seven responses were received in hardcopy format and 29 by email.

Where possible, we integrated additional information from free-form emails with the questionnaire responses. We grouped open-ended responses into key themes and determined a quantitative response according to whether the response appeared to be agreeing or disagreeing with the proposal. Many respondents qualified their 'yes' and 'no' responses with additional comments; however, free-form responses did not always provide clear closed answers. Where there was such ambiguity, we coded the response as a 'mixed response'. Quality assurance played an important part in each stage of the analysis. IRS carried out independent checks to ensure that free-form responses were correctly inserted under relevant question headings. In identifying key themes, independently produced lists of responses were compiled and these were discussed and consolidated into the main themes for each question.

The number of responses (the response base) was not the same for each consultation question but at least 40 respondents answered each question (excluding questions that were aimed at only a subset of respondents). Respondents may have made comments pertinent to more than one theme and their comments may therefore be included more than once in relation to any particular issue.

Key findings from the consultation are outlined below. The findings are based on the responses of a relatively small self-selected group and are not a random sample. Therefore the findings cannot necessarily be considered representative of the general population. As would be expected for a public consultation of this sort, it serves to show the range of perspectives that exist, to inform consideration of policy. There is a bias towards respondents from organisations rather than individual persons, but analysis has been made to consider differences in response between organisations and individuals throughout.

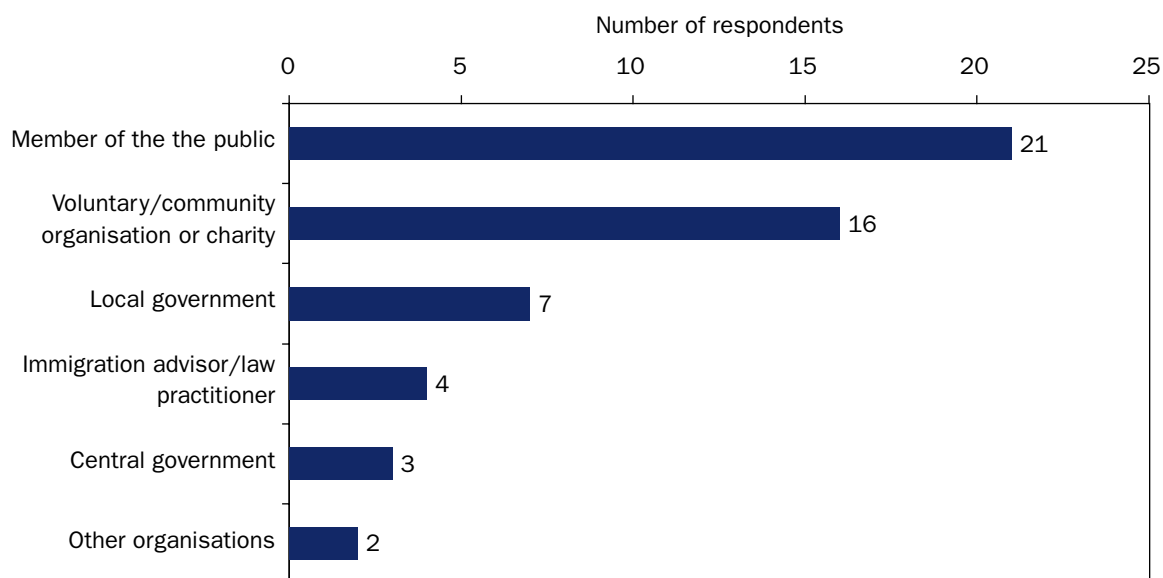
We have given quotations to highlight typical responses to the question from responses; these are shown as they were written and we have not edited them.

¹⁸ BRE (2004) Code of Practice on Consultation. Cabinet Office. Available at: <http://www.berr.gov.uk/files/file44364.pdf>

ANNEX 2: RESPONDENT PROFILE (MARRIAGE TO PARTNERS FROM OVERSEAS)

Twenty-one responses came from individual members of the public and 32 from a wide range of local and central government bodies, educational institutions, charities and voluntary organisations. Sixteen responses came from voluntary or community organisations or charities, seven from local government and four from immigration advisers or law practitioners. Annex 3 details the responding organisations. Three responses could not be attributed to individuals or organisations. Figure 33 shows the breakdown of respondent types. Thirty-six respondents were based in England and there were two responses from Wales and one from Scotland. Seventeen respondents did not supply this detail.

Figure 33. All responses



Response base: 56

ANNEX 3: RESPONDING ORGANISATIONS (MARRIAGE TO PARTNERS FROM OVERSEAS)

African Family Counselling Service
Baps Suramwarayas Saonbtha
Council of African and Afro-Caribbean Churches
Denbighshire Social Services Directorate I&A Team
Fiona Mactaggart MP (Slough)
Forced Marriage Working Group
Hertfordshire Constabulary
Highland Wellbeing Alliance
Hindu Forum of Britain
Immigration Advisory Service
Jenny Willott MP (Cardiff)
Member of the Welsh Assembly
Metropolitan Police
MigrationWatch UK
Network of Sikh Organisations
Newham Asian Women's Project
Oxford City Council
Oxfordshire County Council Community Safety
Pendle Borough Council
Preston & West Lancashire Racial Equality Council
Quel Bec
Rights of Women
Rochdale Centre of Diversity
Rotherham Youth Cabinet
Swindon Racial Equality Council
Thames Valley Police Local Criminal Justice Board
The Women's National Commission
UK Immigration Services Ltd
UK-Yankee
Union of Muslim Organisations of UK and Ireland
Voice UK
Welsh Women's Aid

ANNEX 4: METHODOLOGY (PRE-ENTRY ENGLISH REQUIREMENT FOR SPOUSES)

This consultation was undertaken in accordance with the Better Regulation Executive (BRE, 2004) Code of Practice on Consultation¹⁹.

Letters and emails were sent to approximately 25 organisations identified as being likely to have an interest, to alert them to the consultation and encourage response. Reminders were sent to increase response rates.

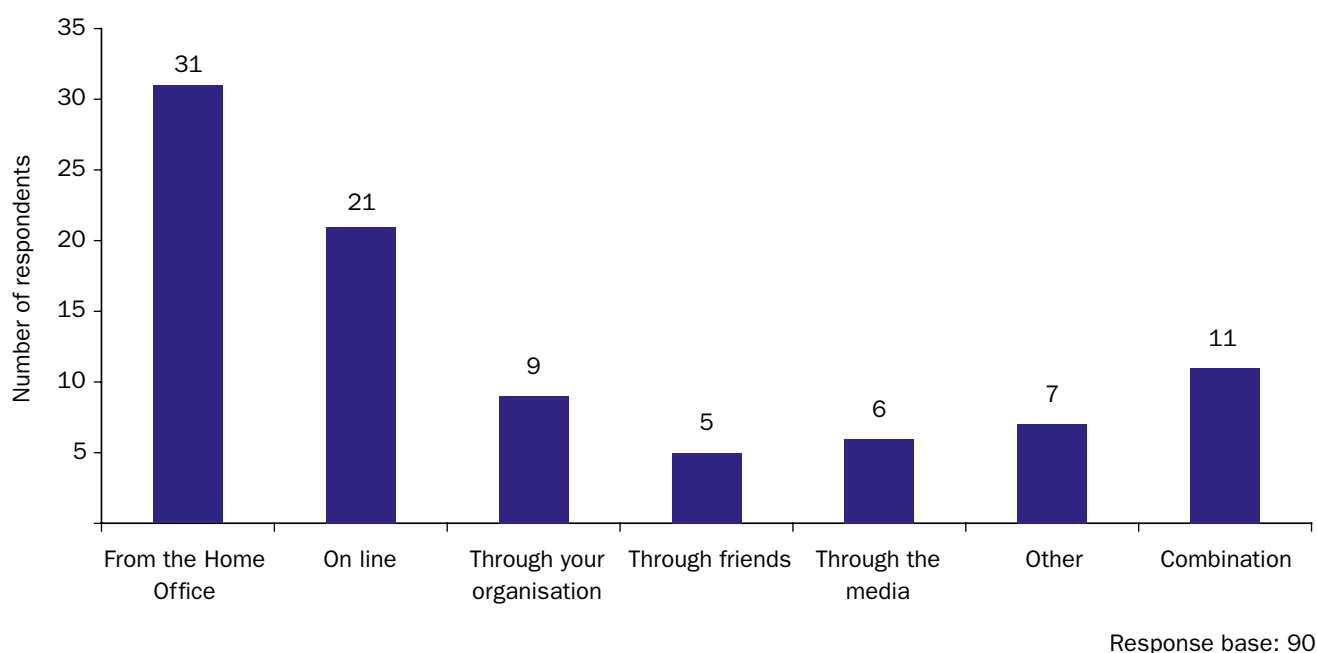
The consultation document and questionnaire were made available on both the UK Border Agency and Home Office websites. Respondents could return either hardcopy or electronic responses. Late responses were accepted for one week after the deadline. Responses that were comprised solely of abuse and/or no discernable comment or relevant response to the consultation were excluded from the analysis.

The following analysis is based on 101 responses to the consultation on pre-entry English requirement for spouses. Eighty-two were received as completed questionnaires and 16 as free-form emails or letters.

Three respondents provided both a free-from response and a completed questionnaire. Twelve responses were received in hardcopy format.

Ninety respondents stated how they had found out about the consultation (Figure 34). Thirty-one of this group heard about it only from the Home Office. Twenty-one respondents heard of the consultation only from the internet, and 11 respondents learnt about it from a combination of sources including the Home Office, the internet, other media, their own organisation and friends. Nine respondents learnt about the consultation from their own organisation, six from the media and five from friends.

Figure 34. How did you find out about the consultation?



¹⁹ BRE (2004) Code of Practice on Consultation. Cabinet Office. Available at: <http://www.berr.gov.uk/files/file44364.pdf>

Where possible, we integrated additional information from free-form emails with the questionnaire responses. We grouped open-ended responses into key themes and allocated a quantitative response according to whether the response appeared to be agreeing or disagreeing with the proposal. Many respondents qualified their 'yes' and 'no' responses with additional comments. However, free-form responses did not always provide clear closed answers. Where there was ambiguity, we coded the response as 'mixed'. Thus responses are represented as either 'yes', 'no' or 'mixed' within this report.

Quality assurance played an important part in each stage of the analysis. We carried out independent checks to ensure free-form responses were correctly inserted under relevant question headings. In identifying key themes, we compiled independently produced lists of responses and these were discussed and consolidated into the main themes for each question.

The number of responses was not the same for each consultation question, but at least ten respondents responded to each one (excluding questions that were aimed only at a subset of respondents). Respondents may have made comments pertinent under more than one theme from a particular question and so responses are not mutually exclusive.

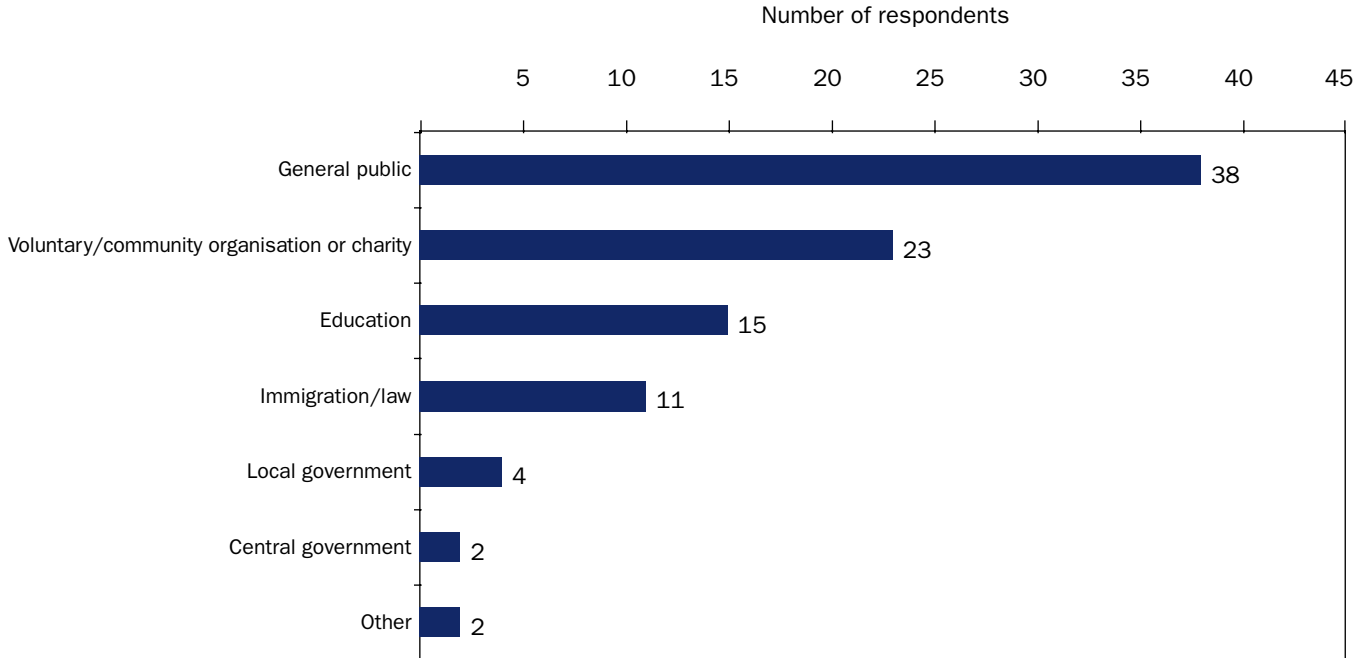
Where variations exist between individuals and organisations, we have provided information on the differences between responses from organisations and those from individual respondents. As described below, some respondents provided clear details of the context of their response as either an individual or organisation by answering the profile questions provided. Where the respondent profile was not fully completed, we were still able to classify respondents in the majority of cases as broadly either individuals or organisations, depending on the background information provided.

Please note that the findings are based on the responses of a self-selected group and not a random sample. Therefore the relatively small findings cannot be considered representative of the general population. As would be expected for a public consultation of this sort, it serves to show the range of perspectives that exist to inform consideration of policy.

ANNEX 5: RESPONDENT PROFILE (PRE-ENTRY ENGLISH REQUIREMENT FOR SPOUSES)

Of the 101 respondents to the consultation, it was possible to identify 95 as individuals or organisations. Some provided details on the context of their response as either an individual or stated their type of organisation; for others the type of respondent had to be clarified from other information they provided. Thirty-eight responses came from individual members of the public, 23 from community or voluntary sector organisations or charities, 15 from educational institutions and 11 from immigration advisers or law practitioners. Four came from local and two from central government. Two further responses were classified as 'other'. One came from an Embassy, the other from an international body (see Figure 35). The full list of responding organisations is at Annex 6.

Figure 35. Types of respondent

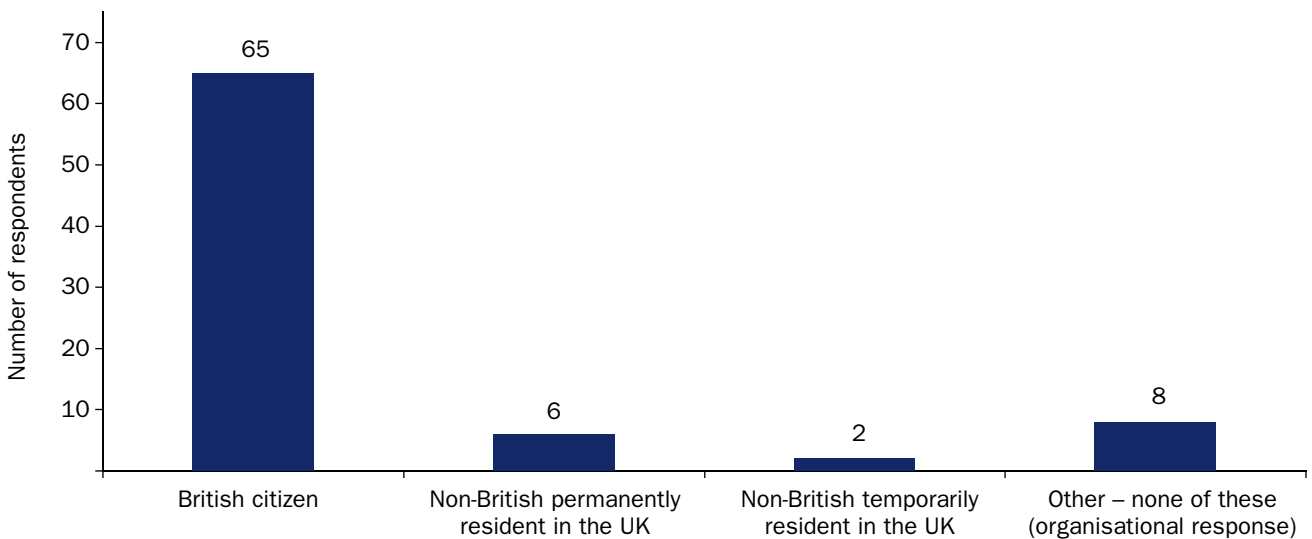


Response base: 95

Eighty-one respondents provided details of their citizenship (Figure 36); 65 were British citizens, eight were non-British, of whom six were permanently resident in the UK and two were living temporarily in the UK. Some respondents to this question were responding on behalf of an organisation

and therefore eight organisations described their citizenship as ‘other’ to indicate they were not responding as any of these options. These eight organisation respondents included local and national government bodies and international organisations.

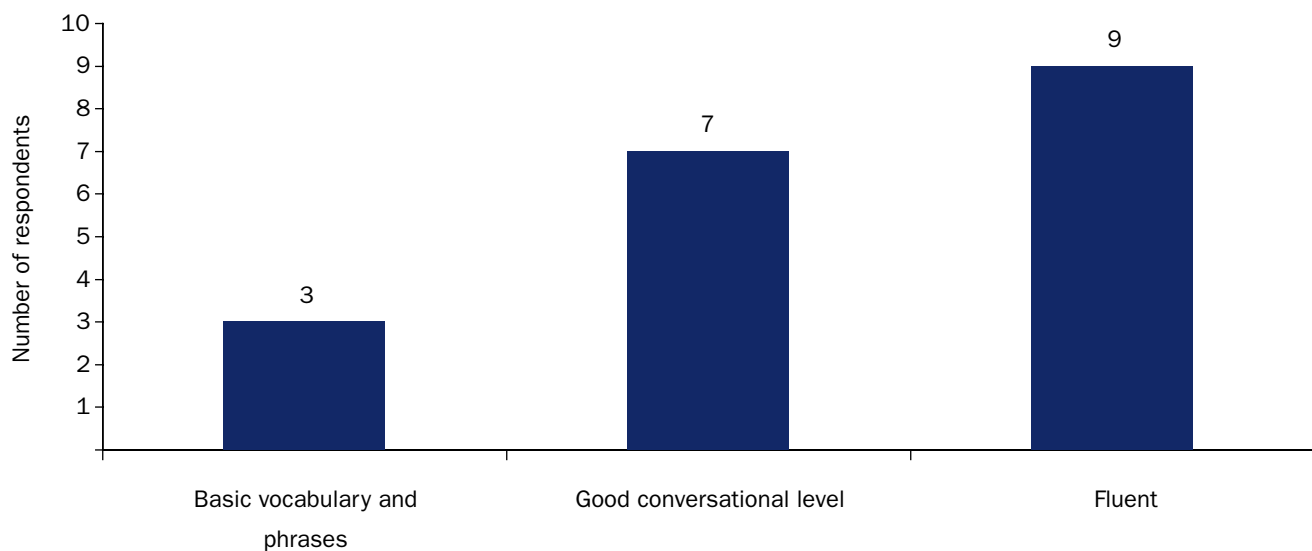
Figure 36. Citizenship of respondents



Response base: 81

Six respondents had a spouse currently living outside the UK. Of this group, three expected their partner to join them in the UK. Thirteen respondents had spouses from overseas who had already joined them. Just over half of these spouses (seven) had already undertaken an English language course and a further four intended to do so. Of the 19 spouses in total, the largest group (nine) were reported to be fluent in English, with seven having a good conversational level of English and the remaining three having basic vocabulary and phrases in English (Figure 37).

Figure 37. How well do you think your spouse or unmarried civil partner speaks English?



Response base: 19

ANNEX 6: RESPONDING ORGANISATIONS (PRE-ENTRY ENGLISH REQUIREMENT FOR SPOUSES)

Advisory Board on Naturalisation and Integration (ABNI)
Bangladeshi Youth Organisation
Beap Community Partnership
Bradford College
British Association for Applied Linguistics
Cambridge ESOL
Cardiff University
Cole and Yousaf Solicitors
Darnall Forum
Department for Communities & Local Government
Embassy of Japan
Enfield College
English UK
Ernst and Young LLP
ESOL Department, Sussex Downs College
ESOL Division LLU, London South Bank University
Ethnic Minorities Law Centre
Forced Marriage Sub-group of Rotherham Domestic Violence Forum
Fiona Mactaggart MP (Slough)
Greater London Authority
Harbans Singh and Co. Solicitors
Imkaan
Immigration Advisory Service
Immigration Law Practitioners' Association
Institute of Jainology
Iranian & Kurdish Women's Rights Organisation
Law Centre (Northern Ireland)
Liberty
London Coalition Against Poverty
Migration & Law Network
Mishcon de Reya
MOSAIC Centre for Research on Multilingualism
National Association for Teaching English and Community Languages to Adults (NATECLA)
National Institute of Adult Continuing Education (NIACE)
New College Nottingham
Newham Asian Women's Project
Pendle Borough Council
Peterborough Racial Equality Council

Pitsmoor Citizens Advice Bureau
Preston and West Lancashire Racial Equality Council
QED-UK
Race Equality First
Shrivenkateswaka Ballats Temple
Slough Borough Council
Southall Black Sisters
Southwark Community Activist Network
Swindon Racial Equality Council
The Arbour
The Mary Ward Centre
The Runnymede Trust
UK Immigration Services Ltd
UNHCR
Visas for Thais
Warwickshire College
WEA and Bradford College
Welsh Language Board
Women's National Commission

ANNEX 7: COMMON EUROPEAN FRAMEWORK OF REFERENCE (CEFR): AN EXPLANATION OF THE LEVELS

Proficient User	C2	<ul style="list-style-type: none"> • Can understand with ease virtually everything heard or read. • Can summarise information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. • Can express him/herself spontaneously, very fluently and precisely, differentiating finer shades of meaning even in more complex situations.
	C1	<ul style="list-style-type: none"> • Can understand a wide range of demanding, longer texts, and recognise implicit meaning. • Can express him/herself fluently and spontaneously without much obvious searching for expressions. • Can use language flexibly and effectively for social, academic and professional purposes. • Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organisational patterns, connectors and cohesive devices.
	B2	<ul style="list-style-type: none"> • Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. • Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. • Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.
Independent User	B1	<ul style="list-style-type: none"> • Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. • Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. • Can produce simple connected text on topics which are familiar or of personal interest. • Can describe experiences and events, dreams, hopes & ambitions and briefly give reasons and explanations for opinions and plans.
	A2	<ul style="list-style-type: none"> • Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). • Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. • Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.
Basic User	A1	<ul style="list-style-type: none"> • Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. • Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. • Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.

