



The new minimum income requirement for spouses and children

What changes have occurred?

Since December 2013, immigration rules have changed and there is now a financial requirement which needs to be met by anyone who is the partner or dependent child of a member of the HM Forces, and who is not a member of a European Economic Area (EEC) country, applying for:

- Entry clearance to the UK
- Leave to remain in the UK
- Indefinite leave to remain in the UK

Who is a partner?

A partner is a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner or same sex partner.

Who is a dependent child?

A child is the biological child, step-child or adopted child of the member of HM Forces and their partner.

What is this financial requirement?

Partners and dependent children now need to prove that they meet the minimum income required by the Home Office to apply for entry.

How much is the financial requirement?

The amount of money you have to prove you are earning to apply for entry depends on whether you have dependent children and if so, how many.

Your annual income before tax (also known as the gross income) needs to be:

- Partner applying (no children) = £18,600
- Partner + 1 child = £22,400
- Partner + 2 children = £24,800
- Partner + 3 children = £27,200

What if my child is turns 18?

You still have to prove you are earning the amounts set above even if your child turns 18 before the partner qualifies for settlement. However, the income and savings of your 18 year old child can be counted towards your financial requirement.

What if my dependent child is a British citizen, do they need to meet this financial requirement?

If your child is any of the following, they don't have to meet the financial requirement:

- A British citizen

- A EEA national
- Is settled in the UK or who qualifies for indefinite leave to enter

What money can be counted towards the financial requirement?

The financial requirement can be met in five different ways:

- **Category A or B:** Income from salaried or non-salaried employment of the partner of the person applying (and/or the applicant if they are in the UK with permission to work)
- **Category C:** Non-employment income, eg from property rental
- **Category D:** Cash savings of the applicant's partner and/or the applicant, above £16,000, held by the partner and/or applicant for at least 6 months and under their control
- **Category E:** State (either UK or foreign) or private pension of the applicant's partner and/or the applicant
- **Category F:** Income from self-employment, income as a director of a specified limited company in the UK, of the partner (and/or the applicant if they are in the UK with permission to work)

What income cannot be counted?

- Any money or income from a third party, other than child maintenance, academic maintenance grants or alimony payments
- Loans or credit
- Benefits, such as Pension Credit, Housing Benefit, Council Tax Benefit, Child Benefit, Working Tax Credit or Job Seekers Allowance
- Income from others who live in the same household (except any dependent child of the applicant who has turned 18 and counts towards the higher income threshold the applicant has to meet until they qualify for settlement)

My partner is a soldier and earns a regular salary, so we are going to apply through Category A - how does that work?

Category A: Partner been with current employer for 6 months or more and is residing in the UK

If your partner has been employed in the Army for 6 months or more prior to the date of the application, their gross annual salary (their yearly salary before tax) can count towards the financial requirement. The annual salary needs to be the same as or more than the financial requirement, eg if you have no children, they must earn £18,600 or more per year before tax.

They must have been paid at the same level as their usual annual gross salary throughout the 6 months prior to the date of your application, eg if they earned £15,000 for three months and was then promoted and earned £19,000 for the next 3 months, they haven't earned enough to support your application.

Can we top up my soldier's salary with any other sources of income to meet the requirement?

Other income sources

You can also add income from other sources to the amount of salary to meet the financial requirement, such as the income from a property you own and rent out or income from shares. This can be in your name as the applicant, your partner's name or owned jointly but you must have received this in the 12 months prior to your application and must continue to own any asset from which the income came from, ie the property you rent out or the shares you receive dividends from.

Savings

You can also use your savings towards the total if:

- Savings are above £16,000
- They are held by you or your partner or jointly together
- You have held them for at least 6 months prior to the date of application
- The savings are under your control

However, it depends on what entry clearance you are applying for on how much of those savings can count and there are specific rules for those applying as a partner or child of someone in the Armed Forces:

- **At entry clearance/initial leave to remain/further leave stage** - the amount you wish to contribute needs to be calculated as the amount above £16,000 divided by the length of leave being granted (in years)
- **At Indefinite Leave to Remain stage** - whole amount above £16,000 can be counted

For example, Soldier A is a Private at lower band Level 1 earning £17,767. His wife wishes to apply for initial leave to remain and they have no children.

Due to his salary, he therefore does not meet the financial requirement on salary alone. However, his wife has £25,000 of savings which she has held for more than 6 months prior to her application and which are in her control.

The amount of savings that can be used towards the financial requirement is £1800 ($£25,000 - £16,000 = £9000 \div 5 \text{ years} = £1800$). $£1800 + £17,767 = £19,567$ which meets the requirement of £18,600.

Pension

You can also top up with the gross annual income received by the applicant's partner or the applicant from any state or private pension.

What are the current pay grades for Other Ranks and Officers to meet his minimum income purely from their salary?

Financial requirement	Rank/Salary required
Partner (no children): £18,600	Other Rank (Lower Pay Band): Level 2 Private/Lance Corporal Other Rank (Higher Pay Band): Level 2 Private/Lance Corporal Officer: Level 3 2Lt/Lt
Partner + 1 child: £22,400	Other Rank (Lower Pay Band): Level 7 Private/Lance Corporal Other Rank (Higher Pay Band): Level 5 Private/Lance Corporal Officer: Level 5 2Lt/Lt
Partner + 2 children: £24,800	Other Rank (Lower Pay Band): Level 1 Corporal Other Rank (Higher Pay Band): Level 6 Private/Lance Corporal Officer: Level 5 2Lt/Lt
Partner + 3 children: £27,200	Other Rank (Lower Pay Band): Level 2 Corporal Other Rank (Higher Pay Band): Level 8 Private/Lance Corporal Officer: Level 6 2Lt/Lt

How do we prove that we can meet the financial requirement?

Salary

If you are basing your application on your serving partner's salary, you need to provide all of the following:

- Payslips for the last 6 months prior to the date of application
- A letter from the Army confirming:
 - the serving partner's employment and gross annual salary
 - the length of their employment
 - the period over which they have been or were paid the level of salary replied upon in the application
 - the type of employment, ie permanent

- Personal bank statements corresponding to the same period(s) as the payslips showing that the salary has been paid into an account in the name of the applicant or their serving partner or a joint account

In addition to the evidence listed above, P60s for the relevant period of employment (if issued) and a signed contract of employment may also be submitted.

Income through property rental

If you are basing your application partly on income from property rental, you need to provide the following:

- Confirmation that the person or the person and their partner jointly own the property for which the rental income is received through:
 - A copy of the title deeds of the property or of the title register from the Land Registry (or overseas equivalent) or
 - A mortgage statement
- Personal bank statements for the 12 month period prior to the date of application showing the rental income was paid into an account in the name of the person or of the person and their partner jointly
- A rental agreement or contract

Income through savings

If you are basing your application partly on income from savings, you need to provide the following:

- Personal bank statements for the 12 month period prior to the date of application showing the amount of the savings held and that their interest was paid into an account in the name of the person or of the person and their partner jointly