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How do expat's investments square with UK immigration rules?

I am a British citizen and want to return to the country with my wife, a US citizen

Lucy Warwick-Ching

I am a UK citizen and have been working in Hong Kong, but my wife (a US citizen) and I now wish to return to the UK. I am taking a career break, but have heard there are strict financial requirements when returning to the UK with a spouse. Would my investments, rather than savings, qualify towards these requirements?



Kathryn Bradbury

Kathryn Bradbury, immigration partner at law firm Payne Hicks Beach, says that since 2012 the UK immigration rules have carried a strict **financial requirement** that must be met by the spouse or partner of a British citizen who is applying for a visa to come to live in the UK. The Home Office requires you to demonstrate evidence of a gross annual income of £18,600 for a spouse, plus a further £3,800 for a child and £2,400 for each additional child applicant. These additional funds are not required for children who are British citizens.

The Home Office permits applicants to submit evidence from different sources to meet the minimum income requirement, including evidence of income from employment, property rental, dividends, interest, pension and cash savings. It is possible to combine some sources to meet the threshold.

You can also rely on income such as dividends or interest from your investments to meet the financial requirement. These can be investments in either your name or your spouse's name, or in joint names. You would need to provide evidence of ownership in relation to the investment you are relying on, portfolio reports and bank statements that give evidence of receipt of the income for the past 12 months. If relying on interest from savings, you would need to provide bank statements for the past 12 months showing the investment held and the interest received into the account as evidence.

If you have not received more than £18,600 income from these investments in the past 12 months, it is also possible for you to liquidate some investments and rely on the cash savings provisions. If relying on savings alone you would need to show that you have funds of £62,500 available. You would need to demonstrate ownership of the investment for at least the six months before the transfer into cash, that the cash value for a continuous period of six months before the application was at least £62,500 as well as bank statements showing you continue to hold the funds at the time of the visa application.

The Home Office is strict in the types of evidence and format of documents that it will accept as proof of income. Documents must be up to date.

The financial requirement is only one element of the spousal visa application and your spouse will also need to demonstrate that she meets the other requirements, including an English language requirement, providing proof of your relationship and accommodation in the UK.

Claire Nilson, immigration counsel at law firm Faegre Baker Daniels, says details of the financial requirement when applying for a UK visa as a spouse of a British citizen can be found in appendix FM of the Immigration Rules. There are two mandatory parts: adequate accommodation for the family and a minimum level of savings or income. It is also crucial to read the Home Office policy alongside the rules.

To satisfy the financial requirement you must show that you can support your wife by earning a minimum gross annual salary of £18,600. This number will increase if you have any dependent children who are also applying to enter the UK as your dependants.

There are various ways in which the required minimum income or savings can be demonstrated and in some cases the sources of income can be mixed and matched across different categories. The financial requirement can typically be met in a number of different ways, including salaried employment, freelance income, cash savings, pension income and income from property.

A common reason for refusal in Appendix FM applications is that applicants fail to submit the specified evidence required. The Home Office guidance on financial requirement can be difficult to decipher, even for some immigration lawyers who are used to reading the Immigration Rules. It is always advisable to seek specialist immigration advice on your precise circumstances before you decide to submit an application to the Home Office.

In addition to satisfying the financial requirement, you must also meet three other conditions. These are suitability, relationship and language requirements. You should check with an immigration adviser with any specific questions related to your circumstances.

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