

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 October 2024

Public Authority: The Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested a copy of the Equality Impact Assessment based on the increase in minimum salary threshold for sponsors of spouse or family visas. The Home Office refused the request citing section 22.
2. The Commissioner's decision is that the Home Office was not entitled to rely on section 22 of FOIA to withhold the requested information.
3. As the requested information has since been published, the Commissioner does not require further steps to be taken.

Request and response

4. On 19 December 2023, the complainant wrote to the Home Office and requested information in the following terms:

"I am writing under the Freedom of Information Act to request the publication of the Equality Impact Assessment carried out by your Department assessing the implications of the increase in minimum salary threshold for sponsors of spouse or family visas from £18,600 to £38,700 that was announced by the Home Secretary on 4 December 2023.

I further request any economic impact assessment that has been carried out by the Home Office regarding the same minimum salary rule change.”

5. The Home Office responded on 31 January 2024. It stated that the requested information was exempt under section 22. A position which was maintained at the internal review stage.

Background

6. In December 2023, the then Home Secretary announced the intention to raise the minimum income requirement (MIR) for those wishing to come to or remain in the UK as a partner. The increase was purposed to bring MIR in line with the skilled worker threshold of £38,700.
7. It was subsequently announced that this would be done incrementally in three stages. The first raise to £29,000 took place in April 2024. The planned second and third increase was however paused as the Home Secretary at the time had commissioned the Migrant Advisory Committee to review the financial requirements in the Family Immigration Rules.
8. An impact assessment was completed to set out an assessment of the change (alongside other changes announced at the same time) and provide information on the estimated economic and wider impact. An equalities impact assessment was also completed in accordance with the Public Sector Equalities Duty.
9. On 27 September 2024 the requested information was published and is now accessible on the government website.¹

Reasons for decision

Section 22 – information intended for future publication

10. For the exemption in section 22 to apply, the public authority must, **at the time it received the request**, already have settled expectation that the information would be published at some future date, even if no precise date has been set.

¹ [Changes to Immigration Rules: impact assessments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/changes-to-immigration-rules-impact-assessments)

11. The Home Office advised that it was agreed in principle by previous ministers in January 2024 that the requested information was to be published – though no date was set.
12. The Commissioner has considered the Home Office's submissions and is not satisfied that the Home Office was entitled to rely on section 22. The request for information was made 19 December 2023 and the decision to publish the requested information was not made until after the request had been received.
13. The Commissioner does not require the Home Office to take any further steps as the requested information has now been disclosed.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF