

Crime and Courts Bill

Fact Sheet: Family Visa Visits

1. Many British citizens and persons living in the UK have family members living outside of the UK. This results in a high volume of visa applications from people wishing to visit their family in the UK.
2. The rules to qualify for entry as a family visitor are not being changed. To meet the family visit visa requirements, the applicant must intend to visit the UK for no more than 6 months, have enough money to support and accommodate themselves without working or recourse to public funds, or demonstrate that they will be supported and accommodated by friends or relatives, and be able to meet the cost of their return journey.
3. Unlike other temporary visa applications, refusal of an application for a family visit visa attracts a full right of appeal. This appeal right was removed in 1993 and reinstated in 2000. Since then family visitor appeals have increased to become the largest single category of appeals in the system; accounting for over a third (49,400) of all appeals in 2010/11.
4. New evidence is often submitted on appeal which should have been submitted with the original application. The 'appeal' then becomes, in effect, a second decision, based on the new evidence, which is often why an appeal is allowed. Analysis of a sample of 363 allowed family visit visa appeal determinations received by the UK Border Agency in April 2011 showed that new evidence produced at appeal was the only factor in the Tribunal's decision in 63 per cent of allowed appeals.
5. Clause 34 removes the full right of appeal against refusal of an application for a visa as a family visitor. A right of appeal will remain on human rights and race discrimination grounds.
6. The family visitor appeal is the only visitor category that retains a full right of appeal and is a disproportionate use of taxpayer funding for the benefit sought. This change will release UK Border Agency and HM Courts and Tribunals Service resource to give greater priority to appeal cases that have far-reaching impacts for the individuals involved and the general public, such as asylum claims, settlement applications and the removal of foreign criminals.
7. It will continue to be open to those persons refused a family visit visa to submit a fresh application for such a visa and provide further information in support of their application. A fresh application will be determined on its own merits. A decision will be received much more quickly, typically 15 days to deal with an application in comparison with the appeal route which can take up to 8 months.