

R (on the application of MM (Lebanon)) v Secretary of State for the Home Department [2017] UKSC 10.

A number of cases were taken against the Secretary of State for the Home Department in response to the introduction of a Minimum Income Requirement to the Immigration Rules. As a result of this, UK citizens or residents wishing to bring their spouse or partner into the UK must meet a minimum income of £18,600 per annum as well as a further £3,800 for the first dependent child and £2,400 for each child thereafter. The appellants averred that the Immigration Rules and Immigration Directorate Instruction were in violation of Article 8 of the European Convention on Human Rights and unlawful under common law principles. The Supreme Court considered the legality of the Immigration rules and found that a minimum income requirement was not unlawful in principle and did not violate Article 8. However, in forming this decision it was recognised that the Immigration rules and the instructions were held to be unlawful where they failed to adequately address the Secretary of States duty to take into account the best interests of the child as per section 55 of the Borders, Citizenship and Immigration Act 2009 and further, that the instruction requires revision where it fails to recognise alternative sources of funding with which to meet the requirement.

Case located at: <https://www.supremecourt.uk/cases/docs/uksc-2015-0011-judgment.pdf>