

Divided families; some more divided than others

Submission to the APPG on Migration-Family Migration Inquiry

Our submission to the APPG's Family Migration Inquiry is in two parts:

Inequality The first draws out the key equality implications arising from the new minimum income threshold of £18,600 for British nationals and citizens wishing to sponsor the settlement of a partner of non-European Economic Area (EEA) nationality in the UK. In addition to the equality strands covered by the Equality Act 2010, we also examine regional inequalities which in turn cut across the other equality strands.

Effect on public expenditure The second considers the government's claim that the minimum income requirement will reduce the burden on taxpayers. We show that the calculations made by the government in its Impact Assessment are unreliable and that there are no clear benefits in this respect.

Part 1: Inequality

Following the announcement of the new minimum income level, the Migration Observatory at Oxford University calculated that, as a result of the proposed changes, 47% of British citizens in employment would not qualify to bring in a family member. This is in line with Migration Advisory Committee's (MAC) estimate, in its review of the options for government, that 45% of current applicants would not qualify for sponsorship under the new regulations.¹ However this percentage does not apply equally but rises to 61% for women compared to 32% of men. Women of course form two-thirds of family migrants, and, as we know, experience a substantial gender pay gap in the labour market even if working full time. In terms of age, 58% of people aged between 20 and 30 years compared to 35-45% of those aged from 30 to 60 years would not qualify. Regionally, 48% of people in Scotland will not qualify to bring in a family member, 51% in Wales, 46% in England, 29% of Londoners. The areas with the lowest eligibility in England are Merseyside, where 56%, North West England (53%) and Yorkshire and Humberside (52%) will not be eligible.

Our intention in this submission is to examine in greater detail the likely discriminatory effects in relation to gender and its intersection with other equality variables such as race/ethnicity and age. There is some evidence internationally that high income levels have a disproportionate effect on women sponsors. According to a study published by the Migration Policy group in Brussels, the UK

¹Migration Advisory Committee (MAC) (2011), *Income Requirement for Sponsorship Under the Family Migration Route*, October 2011 available at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/family-migration-route/family-migration-route.pdf?view=Binary> (accessed 31st January 2013)5.18.

now has the second highest minimum income level of 20 European countries besides oil-rich Norway². Other countries such as Denmark and Germany do not set a fixed amount that is applied to all applicants. Prior to 2009, when the income level was raised in Norway, there was already a difference in the acceptance rates between men and women (87% to 74%) but, since then, the gap has increased. In 2010, 56% of female applicants succeeded and, in 2011, 60% while the acceptance rate for men fell to 79% in each year³. Norway is now considering adjusting its 2010 regulations because of its unintended consequences. Among other things, and in contrast to the UK, it is proposed that the income of the person applying for the permit can be included in assessing whether the income requirement is met.⁴

Sex discrimination in relation to the minimum income requirement occurs primarily in two ways:

- (a) Gender inequalities in earnings in the UK which affect the ability to attain the gross income threshold. This gender discrimination intersects with other characteristics including age and region;
- (b) The exclusion from the calculation of the minimum income requirement of the potential income of the sponsored migrant and of third party support in the UK.

(a) Gender and other differences in pay and overall earnings

The discriminatory impact on women is especially large. The difference in average pay between women and men, or the gender pay gap, has decreased in the UK since the mid 1990s but the full-time gender pay gap remains at 14.9%.⁵ There are several reasons for it. Women tend to be concentrated in female-dominated jobs which are less well paid. 64% of low paid jobs are undertaken by women. They are also far more likely to work part-time and to take time out to raise children and therefore to have slower career progression, resulting in lower earnings. Research into the causes of the gender pay gap found the key factors explaining the pay gap were the different industries and occupations in which women work (accounting for 22% of the difference), differences in years of full-time work (21% of the difference), negative effect of time out due to family responsibilities (16% of the difference), differences in levels of formal education (5% of the difference) with the remaining 36% unexplained although it is likely that

²Huddleston, T. "Can't Buy Me Love' UK sets one of the world's highest income requirements for people to reunite with family. Migration Policy Group Brussels and Runnymede Trust

³Statistics obtained by UDI (Norwegian Directorate of Immigration) and supplied by Anne Staver (Institute for Social Research, Norway).

⁴<http://mylittlenorway.com/2012/08/big-differences-in-who-is-granted-approval-for-family-immigration-to-norway/> Accessed 27 January 2013

⁵Fawcett Society *Equal Pay - The*

Facts <http://www.fawcettsociety.org.uk/index.asp?PageID=321> accessed 19 September 2012. There are other calculations with a lower gender pay gap for full-time employment

discrimination is still an important factor.⁶ Agency workers, of whom 58% in the UK are female, face many disadvantages⁷.

However it is not just gender discrimination which is at play. Such discrimination in turn intersects and is reinforced by ethnic/nationality and age discrimination as well as the effects of large regional variations that amplify the different forms of discrimination. We see this quite clearly in relation to the intersection of gender and ethnicity.

Table 1 Median wages of UK population by ethnicity and sex⁸

| Ethnicity | Male Median wage | Female median wage |
|---------------------|------------------|--------------------|
| UK population | £24,000 | £15,000 |
| British | £24,000 | £14,600 |
| Other White | £22,000 | £15,600 |
| Pakistani | £15,500 | £9,700 |
| Indian | £23,000 | £18,000 |
| Bangladeshi | £8,400 | £10,700 |
| Chinese | £20,000 | £19,000 |
| Other Asian | £18,000 | £13,200 |
| Black Caribbean | £20,800 | £19,200 |
| Black African | £19,500 | £15,600 |
| Other Black | £19,800 | £16,900 |
| White & B Caribbean | £28,000 | £18,000 |
| White & B African | £24,000 | £15,600 |
| White Asian | £26,400 | £19,200 |
| Other Mixed | £22,000 | £17,500 |

It is evident from the above table that Bangladeshi and Pakistani women have the lowest median wages of all and well below the level they need to sponsor a partner at the new income requirement of £18,600 so that this group of women is especially affected by the minimum income requirement.

More detailed evidence drawn from the sponsors in a survey by the government of 531 case files of sponsor applicants shows the median monthly post-tax earnings by nationality.⁹ These cannot unfortunately be easily related to the minimum income requirement since they are expressed as post-tax figures rather than as

⁶Government Equalities Office *Women and Work* <http://www.homeoffice.gov.uk/equalities/women/women-work> accessed 19 September 2012.

⁷ CIETT (2011) *The Agency Work Industry Around the World*, 30

⁸ Table 9, *Family Migration: Evidence and Analysis* (2011) 8.

⁹Home Office (2011) *Family Migration: Evidence and Analysis* (July 2011), Occasional Paper 94 available at <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ94/occ94?view=Binary> (accessed 30th January 2013)13-14.

gross figures and direct comparisons are difficult to make.¹⁰ However it does highlight the divergence between the lowest and highest levels by selected nationality.

Table 2 Median Monthly (Post-Tax Earnings) of Sponsors by Applicant Nationality¹¹

| Nationality | Reported Median Monthly Earnings | No. sponsors |
|--------------|----------------------------------|--------------|
| Pakistan | £1,050 | 200 |
| India | £1,245 | 82 |
| Bangladesh | £875 | 52 |
| USA | £1,750 | 35 |
| Nigeria | £1,520 | 34 |
| South Africa | £1,300 | 33 |
| Thailand | £1,750 | 40 |
| China | £1,235 | 24 |
| Afghanistan | £1,235 | 31 |
| Total sample | £1,200 | 531 |

The impact of gender and nationality operates differently for several reasons. The first is that the extent to which sponsors are female varies hugely between nationalities (see Table 3). The overwhelming majority of sponsors are male amongst applicants from Thailand, China and Afghanistan. Female sponsors of partners from those countries are very small in numbers. In contrast, the proportion of female sponsors of Pakistani, Indian, Bangladeshi, Nigerians and South African partners is much higher. It is likely that the socio-economic characteristics of the sponsors are also very different which can be seen in the first instance from their median earnings (see Tables 1 and 2). For example, the men sponsoring Thai women are likely to be British citizens, who have probably travelled to South East Asia where they met their prospective partner, and are therefore likely to have a higher disposable income.

Table 3 Sponsor Sex by Nationality of Applicant, 2009¹²

| | Male | | Female | | Total |
|----------|------|----|--------|----|-------|
| | No | % | No | % | |
| Pakistan | 3550 | 58 | 2505 | 42 | 6035 |
| India | 2255 | 66 | 1170 | 34 | 3425 |

¹⁰For example a person earning £18,600 gross could deduct £6,475 in 2011-12 for personal allowance as well as NI and pension payments. The post-tax income would therefore be probably under £16,000. The median post-tax earnings for the case files sample were £14,400 and 51% reported less than £15,000. This is compared to about £19,800 median post tax for the UK (MAC (2011) 41-42).

¹¹ Table 18, *Family Migration: Evidence and Analysis* (2011) 14.

¹² Table 11, *Family Migration: Evidence and Analysis* (2011) 10. Numbers may not add up to 100 due to rounding up.

| | | | | | |
|--------------|-------|----|------|----|-------|
| Bangladesh | 1275 | 61 | 830 | 39 | 2105 |
| USA | 1070 | 75 | 345 | 24 | 1415 |
| Nigeria | 545 | 49 | 580 | 51 | 1125 |
| South Africa | 385 | 55 | 305 | 44 | 690 |
| Thailand | 1310 | 98 | 20 | 2 | 1330 |
| China | 650 | 92 | 60 | 8 | 710 |
| Afghanistan | 965 | 93 | 75 | 7 | 1040 |
| Total | 11985 | 67 | 5885 | 33 | 17870 |

Regional variations have already been mentioned as a source of considerable inequality in the ability to fulfil the minimum income level. These occur for both men and women but, given the existing gender pay gap, the lower earnings outside London and the Southeast are especially damaging for women. As Table 4 shows, women's wages are well below those of men in all regions and particularly low in Wales, West Midlands and the North East.

This regional inequality is reinforced because both income and housing costs, which we know vary enormously and are particularly high in London and the South East, are held fixed. The average wage in London is 145% higher than the North East for example and only London and the South East are above the national average. In its report, MAC was unwilling to allow regional differences based on the argument a person would move to a lower income region for purposes of entry and then move back again.¹³ MAC seemed not to recognise that employment may be difficult to obtain and average wages lower in such regions.

Table 4 Full Time Gross Earnings (£ per week) for Men and Women by Selected Regions in April 2011¹⁴

| Region | Men | Women | Both |
|---------------|-------|-------|-------|
| UK | 538.1 | 440.0 | 498.3 |
| N East | 487.0 | 408.7 | 449.4 |
| West Midlands | 501.3 | 401.2 | 464.4 |
| London | 708.0 | 580.5 | 649.4 |
| South East | 584.1 | 451.5 | 529.4 |
| Scotland | 517.5 | 435.4 | 484.5 |
| Wales | 483.0 | 398.6 | 451.9 |

¹³ MAC (2011) 57-58.

¹⁴ *Annual Survey of Hours and Earnings (2011)* (SOC 2010) (Office of National Statistics) <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/2011-provisional-results--soc-2010--stb---ashe-results-2011--soc-2010-.html#tab-Regional-earnings> (accessed 14 November 2012).

(b) Exclusion of sponsored migrants' earnings

Not allowing the inclusion of sponsored migrants' potential earnings in the UK in the overall household income affects female sponsors much more than males. The reason is that men's earnings are likely to be higher once they enter the UK and therefore make a greater contribution to overall income of the household. The Home Office maintains that migrants' earning prospects are difficult to verify. However the evidence shows that once the partner has arrived, they are usually able to obtain employment.

66% of all male migrant partners are employed compared to 64% for all UK males.¹⁵ Amongst those who have subsequently become a citizen it is even higher (68%) as it is for most of those from less developed countries. For example 73% of Pakistani, 74% of Indian, 79% of Bangladeshi, 74% of Nigerian and 77% of South African males 16 years and over were in full or part-time employment. It is in effect those from developed countries, such as the United States (54%) who display much lower rates of employment. Thus the majority of female sponsors can count on their partners eventually working.

Male partners earn higher median wages than women spouses once they are in the UK (see table 5). For all male spousal migrants, the average is £21,300, with considerable divergence between nationalities from Bangladeshi men who earn £10,400 to US nationals who earn £28,000. This can be compared to £15,000 for female spouses on average with less divergence between the highest and lowest levels.

Table 5 Median earnings of those who have come to the UK as a spouse, or civil or other partner¹⁶

| | Men | Women |
|---------------------|--------------------|--------------------|
| Nationality | Median wage | Median wage |
| Pakistan | £13,600 | * |
| India | £13,700 | £14,300 |
| United States | £28,000 | £18,300 |
| Bangladesh | £10,400 | * |
| Thailand | * | £7,000 |
| Nigeria | £14,900 | £13,800 |
| South Africa | * | £15,000 |
| United Kingdom+ | £24,900 | £16,800 |
| Whole UK Population | £24,000 | £15,000 |
| All migrants | £20,800 | £15,600 |
| All spouses | £21,300 | £15,000 |

¹⁵ *Family Migration: Evidence and Analysis* (2011) 7.

¹⁶ Table 8, *Family Migration: Evidence and Analysis* (2011) 8.

As we have already shown, many groups of women will find it difficult to meet the income threshold based on their own earnings. Many women, particularly of South Asian descent, marry husbands from the same country of origin (whether in the UK or from abroad) and we can assume, that in most cases, sponsors of Pakistani, Bangladeshi or Indian descent will marry someone from that country.¹⁷ If the post-entry earnings of male partners are taken into account, most couples can meet the minimum income requirement and the disadvantage faced by female spouses is considerably mitigated. For example, the worst paid group of female workers in the UK are women of Pakistani origin whose median annual wage is £9,700 (see Table 1 above). However, Table 5 shows that a Pakistani male could expect to earn £13,600 on average after entry so that the family's joint income would be more than £23,000 and comfortably above the threshold for a couple without children. Similarly, women of Bangladeshi origin earn £10,700 on average but their male Bangladeshi partners can expect to earn £10,400 on average, again taking them above the threshold. The same point applies across the board if all nationalities are taken into account. A woman earns on average £15,000 per year with the consequence that most women will be unable to sponsor a spouse. However, if the spouse is allowed to enter, he can expect to earn £21,300 on average, taking the couple's joint income well above the threshold.

Government's Response

The Home Office Policy Equality Statement on Family Migration identifies the aims of the minimum income policy as being:

To safeguard the economic well-being of the UK, those who choose to establish their family life in the UK by sponsoring a non-EEA partner to settle here should have sufficient financial independence to be able to support themselves and their partner without relying on public funds. More than that, the sponsor should have the financial wherewithal to ensure that the migrant is able to integrate and play a full part in British society: we want to see family migrants thriving here, not struggling to get by.¹⁸

The government acknowledges that some groups will be disadvantaged but states that this is justified and proportionate without explaining how it has arrived at this conclusion.¹⁹ In relation to race, the Policy Equality Statement accepts that Pakistani and Bangladeshi sponsors are likely to have lower earnings compared to other nationalities.²⁰ In relation to gender, the statement recognises that 'female sponsors and applicants may find it harder to meet the income threshold

¹⁷ See Berthoud, R. (2001), *Family Formation in Multi-Cultural Britain: Three Patterns of Diversity* Institute for Social and Economic Research (Essex: University of Essex) at 17 or Modood, T., Berthoud, R., et al (eds) *Ethnic Minorities in Britain: Diversity and Disadvantage. The Fourth National Survey of Ethnic Minorities*, (Policy Studies Institute, London 1997) at 29-30.

¹⁸ *Policy Equality Statement on Family Migration* (2012) 6.

¹⁹ *Ibid.* 7-10.

²⁰ *Ibid.* 7.

requirement compared with male sponsors and applicants'.²¹ In relation to age, the Policy Equality Statement accepts that people aged 18 and 21 will be least likely to meet the income threshold compared to other groups and this is compounded by the fact that those aged 18-24 are also most likely to work part time.²² However, it regards such discrimination as justified by the wider aims of the policy.

The government states gender discrimination is mitigated by the exemption for those in receipt of carer's allowance as women are more likely to be carers than men but this is completely insufficient to address the constraints on women's earnings due to their part-time caring or childcare responsibilities. One of the major causes of the gender pay gap is part-time work which women undertake in order to care for children, disabled people and the elderly. Only carers in receipt of a carer's allowance are exempt from the minimum income requirement. Eligibility for carer's allowance requires that 35 hours per week are spent giving care to someone in receipt of disability benefits, in effect being a full-time carer. Yet many women combine part-time work with care and are not eligible for carer's allowance and must meet the minimum income requirement in full. The Fawcett Society has found that 'for women with caring responsibilities, part-time work is not always a matter of choice'.²³

Whilst recognising that young people are at a disadvantage in complying with the minimum income requirement none of the mitigation cited in the impact assessment is directed at this age group. The government argues that the earnings of both parties can be counted towards the income threshold where the applicant is already in the UK with permission to work. This does not provide any particular benefit to young people as the exemption applies across the board and only a minority of applicants switch from work visas in the UK. In 2010, 4,400 people switched to marriage from work while 5,800, the majority of whom were likely to be young and not yet in full-time employment so less likely to meet the minimum income requirement, switched from study. However, there is no exemption for students as there is, for example, in Norway. In reality it's a backdoor way of raising the age of marriage except for the very rich.

In terms of general justification, the government does not offer any explanation in the Policy Equality Statement beyond blanket statements that the measure is proportionate given the policy aims. For instance, it states, in respect of gender, race and age discrimination, that 'to the extent that there may be indirect discrimination it is considered proportionate to achieve the policy aims. The government acknowledges the estimate of the Migration Advisory Committee that the income threshold of £18,600 will not be met by 45% of applicants under the old rule but merely comments that: 'If this number of applicants were affected this is

²¹Ibid. 9.

²²Ibid. 7.

²³Fawcett Society *Equal Pay - The Facts* <http://www.fawcettsociety.org.uk/index.asp?PageID=321> (accessed 19 September 2012).

proportionate to meeting the policy aims of reducing burdens on the taxpayer and promoting integration'.²⁴ Why this is so, is not explained.

Part 2: Public Expenditure

One of the stated aims for the new income requirement is that it will relieve the burden on the taxpayer caused by family migration. In its Impact Assessment published on 12th June 2012, the government claimed that the minimum income policy would cause significant savings in terms of public expenditure and benefits claims including £530 million over ten years to welfare, £570 million to the NHS and £340 million to education. However, an examination of the methodology used shows that these claims are not sustainable.

Table 3 of the Impact Assessment (p. 23) summarises the government's overall assessment of the monetised costs and benefits of the financial requirement and purports to show a net gain of £660 million over ten years. However, this excludes a key element, the loss of gross migrant earnings due to the policy. This is stated elsewhere in the Impact Assessment to amount to around £4 billion over 10 years (p. 21). Of this amount, only the foregone taxes are included in the summary. Had the gross figure been included, a further £3.4 billion would have been added to the costs of the new policy, far outweighing all the other monetary benefits. The government treats these gross wages as a loss only to the migrant and has therefore excluded them to conform, it says, with the MAC's recommendation that only effects on the resident population be taken into account in Impact Assessments (see p. 14).

However, the foregone wages represent not only a lost benefit for the migrant spouse but also for their family and, to a less easily determined extent, the wider economy (as acknowledged at p. 21 of the Impact Assessment). The Impact Assessment says on p.23 that 'employers and the economy will adjust to the reduction in working migrants by employing resident workers or changing production'. However, the MAC, in its report on the impact of migration, found that migrant labour has a relatively modest and temporary displacement effect.²⁵ A significant proportion of the foregone output will not therefore be replaced.

In fact, the MAC's recommendation on the exclusion of gross migrant earnings was not entirely as presented in the Impact Assessment. The MAC recommended that both foregone wages and migrants' consumption of public services should be excluded from Impact Assessments, given the fundamental problems with identifying both of these:

... until the data and conceptual difficulties are more substantially overcome, the optimal approach may be to exclude gross (rather than net) migrant

²⁴Ibid 10.

²⁵*Analysis of the Impacts of Migration* p. 65.

wages from the benefit side of the NPV calculation in IAs and to correspondingly exclude migrant consumption of public services from the cost side.²⁶

NPV is 'Net Present Value', a measurement of the net value (i.e. benefits minus costs) of a policy, which includes the monetised costs and benefits as set out in the table on p.23 of the Impact Assessment.²⁷ The MAC's recommendation reflects the uncertainty which surrounds the economic effects of migration and the difficulty of specifying the monetary costs and benefits of admission. It is therefore not the case, as suggested on page 13 of the Impact Assessment, that the MAC recommended the inclusion, at present, of consumption of public services by migrants when calculating the costs and benefits of policy as it concluded that reliable data is unavailable and it should currently be excluded alongside the gross wages.²⁸ It is not clear why the government has followed the MAC's recommendation on the exclusion of gross wages but not on the consumption of services. Had it done so, Table 3 would not have shown a gain of £660 million but a cost of £850 million.

In addition, the calculations in the Impact Assessment of the reductions in welfare benefits claims as a result of the policy seem to be founded on inaccurate bases. These reductions are explained in Annex 5 of the Impact Assessment. In fact, this does not show how the estimated benefits savings of £530 million over ten years have been calculated but it does set out some of the assumptions that were used to arrive at the figure. Table A5.5, on page 58, sets out the reduction in numbers of eligible benefit units (adult plus partner plus any dependent children) anticipated during the first ten years of the policy. This shows modest reductions for first two years and a substantial increase after that date, reaching a cumulative total of 105,500 after five years.

This is difficult to understand given the other changes that have taken place in family migration. In particular, partners are now not eligible for non-contributory benefits until they have been in the UK for five years, not two years as before, and the right to immediate settlement for partners who have lived abroad with their sponsor has also been abolished. That means that a reduction in the number of eligible benefits units due to the new financial requirement should not now be visible until five years after implementation as, even if these partners had been admitted, they would not have been eligible for benefits for five years. The pattern of reduction suggests that these estimates have been made without taking account of these other changes and the reduction in the number of family units eligible for benefits due to the minimum income requirement has been substantially overstated.

In assessing changes to the level of welfare claims, it should be remembered that

²⁶ *Analysis of the Impacts of Migration* p.12

²⁷ For a definition of NPV, see *Analysis of the Impacts of Migration* p.8.

²⁸ *Analysis of the Impacts of Migration* p.99

a sponsor who fails to meet the minimum income requirement may well already be in receipt of benefits, including in-work benefits, and this position will not change as a result of refusal of the admission of the migrant partner. It is the marginal difference between a single person's and a family's claim that needs to be estimated alongside the take-up rate. This the government purports to do in. Table A5.6, on page 59 of the Impact Assessment shows the differences in welfare payments between a single person and a family unit with and without children, based on an average take-up rate for the UK population as a whole.

These show that, for most benefits, the consequence of admitting a partner will be not an increase but a decrease in claims for most existing benefits. This is not surprising; with two potential incomes, a family unit is more likely to earn above the cut-off point for welfare. The only benefits to show a substantial likely increase are those payable in respect of children: child tax credit and child benefit. These benefits would be payable, in almost all cases, as a result of the birth of children in the UK. These children will be British citizens and the benefits will be available irrespective of whether the partner is present. Even if born abroad, many such children will be British citizens by descent with an unqualified right to live in the UK. Only a small number of children enter the UK as migrants with a partner; see table A3.1 on page 51 of the Impact Assessment. It is not the partner's entry that causes the benefits claim but the birth of citizen children.

That is not the end of the problems with the calculation of welfare savings. Table A5.6 assumes that benefits units containing a migrant partner will claim benefits at the same rate as the rest of the population. We agree with that approach; there is no evidence that families most affected by the rule are more likely to rely on benefits in future. However, it underscores the arbitrary nature of the financial requirement. A policy that refused approximately 40% of applications on a completely random basis would show precisely the same effect.

Conclusion

The minimum income requirement discriminates by gender, ethnicity and other characteristics. The economic claims made for it appear to be drastically overstated. The other benefits are said to be tackling abuse and promoting integration. These claims have not been substantiated by the government. Integration is a contested and imprecise concept but there is no academic literature which links successful integration to a particular income level. Even if that were the case, the income requirement was not fixed with such considerations in mind but with reference only to preventing welfare entitlement. Evidence of widespread abuse has also not been provided. The rule is arbitrary as well as discriminatory. The discrimination, which has been admitted by the government, and as discussed earlier in this submission, is thus impossible to justify.

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