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Thank you for your email of 9 May about a number of changes you would like to see made to the Immigration system. I would like to offer my sincere apologies for the delay in providing a response.

Independent review of Home Office immigration policy and practice

Correcting the wrongs experienced by those members of the Windrush generation who have been affected by measures designed to tackle illegal immigration is a top priority for the Government. I recognise the weight of dissatisfaction towards the treatment of the Windrush generation and officials are working hard to put this right. Our key priority is to ensure that it is as easy as possible for the Windrush generation to secure their status and put the necessary support in place as soon as possible.

We have put in place immediate safeguards to protect those from the Windrush generation from being wrongly and erroneously impacted by compliant environment measures. We have paused pro-active data sharing with other government departments and delivery partners on data for all nationalities over 30 years old. This covers HMRC, DWP and the DVLA. Officials are looking at the best ways of evaluating the effectiveness of the compliant environment to ensure it is effective, and that there is no adverse impact on individuals who have a right to be here and to access those services.

On 2 May 2018, I announced a lessons learned review to consider what the key policy and operational decisions were that led to members of the Windrush generation becoming entangled in measures designed for illegal immigrants; why that was not spotted sooner; what lessons the organisation can learn to ensure it does things differently in future; whether corrective measures are now in place. I have been clear that the lessons learned review requires independent oversight and scrutiny, and on 22 June I appointed Wendy Williams as Independent Adviser to the review. I am confident that she will ensure that it is conducted credibly and robustly. The terms of reference and methodology were published in Parliament on 19 July and there is a current call for evidence, which is open until 19 October. During that time, the review will welcome all comments sent and will be reaching out to community groups and representatives of those affected to discuss their views. We want the best possible understanding of what has happened and what needs to change, so something like this cannot happen again. The Independent Adviser aims to publish her findings in a report by the end of March 2019.

Immigration Detention

On 24 July, I gave a statement to Parliament on Immigration Detention in which I welcomed the second independent review by Stephen Shaw into immigration detention and the progress that the report recognises.

I was clear that the government's starting point, as always, is that immigration detention is only for those whom we are confident that other approaches to removal will not work. Encouraging and supporting people to leave voluntarily is of course preferable.

In your correspondence, you state that "the vast majority of asylum and other claims can be resolved more humanely and more efficiently while the applicant is living in the community". You also provide figures from the HM Inspector of Prison's report on Yarl's Wood Removal Centre. I have asked the Home Office to do more to explore alternatives to detention with faith groups, NGOs and within communities. We intend to pilot a scheme to manage vulnerable women in the community who would otherwise be detained at Yarl's Wood. My officials have been working with the UNHCR to develop this pilot which will mean that rather than receiving support and care in an immigration removal centre the women will get a programme of support and care in the community instead.

I am aware of the arguments made on time limits for immigration detention. However, as Mr Shaw's review finds, the debate on this issue currently rests more on slogans than on evidence. That's why I have asked my officials to review how time limits work in other countries. How they relate to any other protections within their detention systems. So that we can all have a better-informed debate. And ensure our detention policy is based on what works to tackle illegal migration, but is also one that it humane for those who are detained. Once this review is complete, I will further consider the issue of time limits on immigration detention.

Minimum income requirement for spousal visas

The purpose of the minimum income requirement, implemented in July 2012 with other reforms of the family Immigration Rules, is to ensure that family migrants are supported at a reasonable level so that they do not become a burden on the taxpayer and they can participate sufficiently in everyday life to facilitate their integration into British society. Family life must not be established here at the taxpayer's expense and family migrants must be able to integrate if they are to play a full part in British life.

The minimum income requirement was set, following advice from the independent Migration Advisory Committee, at £18,600 for sponsoring a partner, rising to £22,400 for also sponsoring a non-EEA national child and an additional £2,400 for each further such child. This reflects the level of income at which a British family or a family settled in the UK generally ceases to be able to access income-related benefits.

In February 2017, the Supreme Court upheld the lawfulness of the minimum income requirement under the family Immigration Rules. The Court found that the minimum income requirement is not a breach of the right to respect for private and family life under Article 8 of the European Convention on Human Rights and is not discriminatory. The Supreme Court endorsed our approach in setting an income requirement for family migration that prevents burdens on the taxpayer and ensures migrant families can integrate into our communities. The Supreme Court agreed that this strikes a fair balance between the interests of those wishing to sponsor a non-EEA national partner to settle in the UK and of the community in general.

The Supreme Court asked us to look at how, in cases involving exceptional circumstances, we assess all the financial support available to the family. The Statement of Changes in Immigration Rules HC 290, which came into effect on 10 August 2017, gives effect to the Court's findings such that, in circumstances where refusal of the application could otherwise breach ECHR Article 8, other credible and reliable sources of income, financial support or funds available to the couple may be taken into account under the minimum income requirement.

Paragraph 21A of Appendix FM-SE, inserted by HC 290, sets out objective criteria by which decision makers will in such cases assess the genuineness, credibility and reliability of other sources of income, financial support or funds. Each case will be considered on its merits, in the light of all the information and evidence provided by the applicant.

The Supreme Court endorsement of our approach includes setting a higher threshold where non-EEA national children are involved. The Supreme Court asked us to ensure that the best interests of any children are taken into account as a primary consideration in any decision affecting them. The Statement of Changes in Immigration Rules HC 290, which came into effect on 10 August 2017, gives effect to the Court's findings such that the family Immigration Rules give direct effect to the Secretary of State's duty under section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard, as a primary consideration, to a child's best interests in making an immigration decision affecting them.

Expecting family migrants and their sponsors to be financially independent is fair, both to them and the taxpayer. The Supreme Court agreed that this strikes a fair balance between the interests of those wishing to sponsor a non-EEA national partner to settle in the UK and on the community in general.

If the minimum income requirement reflected the National Living Wage of £7.83 per hour for those aged 25 or over from April 2018 (around £16,286 a year based on a 40-hour week), it would mean that a person could sponsor a non-EEA national partner to come or remain here on a basis that would mean that the couple could access income-related benefits, and thereby become a burden on the taxpayer, once the non-EEA national partner qualified for settlement and full access to the welfare system.

The family Immigration Rules make provision for a British sponsor who is or has been working overseas, and is returning to the UK to work, to count a firm verifiable job offer or signed contract of employment to start work here within three months of their return. This gives some flexibility for them to do so without leaving their non-EEA national spouse or partner overseas. However, to provide some assurance of their capacity to work at that level, the sponsor must also demonstrate that either they are in employment overseas at the required income level at the date of application and have been so continuously for at least the previous six months or they have earned the required amount through employment overseas in the 12 months prior to the application.

We expect a returning British sponsor not in employment overseas, and without a confirmed job offer in the UK at the required income level, to return to the UK to establish themselves in employment before sponsoring their non-EEA national spouse or partner. Once they have secured employment at the required level of income, they then have to wait six months before they can sponsor their spouse or partner's application to come to the UK. This shows that a reasonable probationary period has been served with a new employer, giving some assurance that the employment has been properly obtained and that the person is competent to meet the requirements of the work. In today's global economy it is not unusual for couples to be separated for some months for work or other reasons before both of them can satisfy the immigration requirements of the country in which they wish to live together.

We have continued to keep the family Immigration Rules under review and to make adjustments in light of feedback on their operation and impact. We have also taken into account the findings of the courts, including the Supreme Court judgment upholding the lawfulness of the minimum income requirement. This ongoing review process will continue. However, our overall assessment is that the family Immigration Rules are having the right impact and are helping to restore public confidence in the immigration system.

Charter flight operations

If someone is in the UK illegally and has chosen not to make a voluntary return then it may be necessary to enforce their departure from the UK. The majority of enforced immigration returns are undertaken using scheduled flights alongside fare-paying passengers. Charter flight operations are an important means to return Foreign National Offenders and others without a right to remain in the UK where there are limited scheduled routes or where there are more disruptive immigration returnees.

Charter flight operations are subject to independent scrutiny and often carry observers from diplomatic missions of the countries involved. They are also monitored by independent observers from Her Majesty's Inspectorate of Prisons for England and Wales (HMIP) and the Independent Monitoring Boards to observe, monitor and report. The dignity and welfare of all those in our care is of the utmost importance to us, and we will accept nothing but the highest standards from the companies employed to carry out this work. Following any use of force or restraints the Home Office receives a use of force report from its escorting provider. These reports are reviewed by a Home Office Use of Force Monitor to ensure that techniques have been used proportionally, are justified, and used for the minimum period required.

For detainees who feel that they have not been treated in accordance with the relevant standards while being escorted, we operate a comprehensive complaints system. Complaints involving excessive use of force are categorised as serious misconduct and are referred to the Home Office Professional Standards Unit to consider in the first instance. If individuals are not satisfied with the way in which their complaint has been handled they may ask for it to be independently reviewed by the Prisons and Probation Ombudsman.

Migration statistics – overseas students

You are right to point out the high value that overseas students bring to the UK economy. The Government strongly wishes to continue to attract international students to study here. We recognise that they enhance our educational institutions both financially and culturally; they enrich the experience of domestic students; and they become important ambassadors for the United Kingdom in later life. After the USA, the UK remains the second most popular destination in the world for international higher education students.

In the year ending March 2018 the number of University-sponsored study visa applications (main applicants) rose 6%, with applications sponsored by Russell Group universities up 8%. The independent Office for National Statistics (ONS) includes international students in net migration calculations. The Government does not intend to seek to influence the independent ONS. International students who stay for longer than 12 months, like other migrants, have an impact on communities, infrastructure and services while they are here. Local authorities need to know the numbers so they can accurately plan their resources.

Including students in the net migration target does not act to students' detriment or to the detriment of the education sector. There is no limit on the number of genuine international students which educational institutions in the UK can recruit, and, equally importantly, the Government has no plans to limit any institution's ability to recruit international students.

So long as students are compliant with the Immigration Rules they should make only a very limited contribution to net migration numbers.

I note that you have asked for an opportunity to discuss the issues you have raised in more detail and whilst I regret this will not be possible at this time, I would like to reassure you that my department is committed to operating a fair and humane immigration policy and has undertaken a series of activities to document and compensate affected individuals and review what went wrong.

Rt Hon Sajid Javid MP