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Dominic Pisano
Senior Partner & Head of Family Department

Family: Festive Season Leads to Many Couples Deciding to Separate or Divorce

Christmas Divorce

Over the Christmas holiday period, cracks appear in family relationships, particularly for individuals not used to spending time together. In many families, the breadwinner may be accustomed to spending long hours at work, rather than at home with partners and children.

Lester Dominic Solicitors estimate that 25% of the divorce and separation cases it handles each year involve couples who decide to part over the festive period.

Dominic Pisano, Head of the Family Department at Lester Dominic Solicitors, says: "As opposed to bringing couples closer together, the Christmas break can drive them apart. Christmas can be a very difficult time, fraught with tension and false expectation. The high financial cost of Christmas also has its part to play too.

The Christmas holiday can be stressful for families, often providing the final straw for those relationships in which cracks are already apparent. The New Year can also often represent an ideal opportunity to slam the door shut on the past and make a fresh start. January is also when many couples decide to end their relationships or marriages."

Resolution

Resolution is an organisation of more than 4,800 lawyers and family justice professionals. At this time of year, Resolution members receive more calls as relationships break down. Many callers contact Resolution members to find out how the ending of a relationship will affect them practically, legally and financially. Members are trained to deal with enquiries relating to all aspects of relationships or family breakdown not only at Christmas but throughout the year.

Resolution believes that family law disputes between married and non-married couples should be dealt with in a way designed to preserve people's dignity and encourage agreements. Resolution lawyers deal with each other in a civilised way encouraging clients to put their differences aside and reach fair agreements. Experience shows that agreed solutions are much more likely to work in the long term than any arrangements imposed by a Court.

Dominic, who is also a Resolution member, says: "My advice is not to rush into divorce or separation but to seek help from organisations such as Relate or Family Mediation. People worried about how becoming a lone parent will affect them can call Gingerbread – an organisation for lone parent families."

So for all those people contemplating divorce this month, it may be wise to consider getting help from organisations that offer counselling or mediation.

If you resolve to make a fresh start by divorcing or separating, using a member of Resolution would be advantageous as lawyers well aimed to resolve issues and settle matters amicably and non-confrontationally discourage the attitude that family or relationship breakdown is a contest in which there are "winners" and "losers".

Immigration: Marriage and Relationships

Under the Immigration Rules, Filipino nationals can apply to join their family members who are resident in the UK. If you are the husband, wife, same-sex, unmarried partner, civil partner or civil partner of a British national or someone with indefinite leave to remain, you will be able to make an application to the British Embassy in Manila.

The Immigration Rules

Whether you are applying as a spouse, civil partner, unmarried partner or same-sex partner, you will need to prove that you have met your husband, wife or partner, that you intend to live together permanently in the UK and that you will be financially supported and accommodated in the UK without the need to rely on public funds.

Applications of this nature are not straight forward. Many people find it difficult to prove that they intend to live with their husband, wife or partner permanently in the UK and applications tend to be refused for this reason. Evidencing a history of your relationship will help to satisfy the British Embassy in Manila that your marriage or partnership is genuine.

What if I have overstayed my Visa or been in breach of the Immigration Rules?

Mandatory bans have been imposed by the UK Government ranging from 1 year to 10 years, depending on the Immigration 'offence' that has or was previously committed. However, our Government has introduced a concession to the following people: husbands, wives, civil partners, same-sex partners and fiancés/fiancées, as well as dependent relatives, those exercising rights of access to a child and spouses, civil partners, unmarried partners or same-sex partners of a refugee or person with humanitarian protection.

This means that applications by non-EU family members to join their settled family member(s) in the UK will not automatically be refused. However, whilst the mandatory bans do not apply to family categories such as spouses and fiancées, applications can be refused if migrants have 'contrived in a significant way to undermine the intentions of the Immigration Rules'. This could include not complying with reporting restrictions but the list is not exhaustive and not fully defined.

What happens if the marriage/partnership/relationship breaks down?

If your application is successful, you will be granted a two year 'probationary' visa and you may be able to apply for settlement towards the end of this period. However, if the marriage or relationship breaks down during the probationary period, you may no longer have a claim to remain in the UK. As a result, you may have to apply to switch into another category if you are eligible to do so.

There may be exceptional compassionate reasons which permit you to stay in the UK. You may be able to remain in the UK if you have been the victim of domestic violence or if your husband, wife or partner has died during the probationary period. If children are involved, there are also specific rules enabling separated parents to be granted leave in order to obtain access to their children.

Every person's circumstances will be different. Should you wish to obtain further information and tailored Immigration advice, please contact Miss Husbands on 020 8371 7400/ rhusbands@lesterdominic.com.



Rekha Husbands
Immigration Department

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**Immigration Law / Family Law / Divorce and Separation
Children Law / Property and Conveyancing
Landlord and Tenant / Wills and Probate**

85-87 Ballards Lane, Finchley Central, London, N3 1XT

Tel: +44(0)20 8371 7400 / Fax: +44(0)20 8346 7685

Email: enquiries@lesterdominic.com

www.lesterdominic.com