

**MIGRANTS' RIGHTS NETWORK SUBMISSION**  
**'CONSULTATION ON CHARGING FOR IMMIGRATION AND VISA APPLICATIONS'**  
**NOVEMBER 2009**

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**Introduction and summary of submission**

- The Migrants' Rights Network (MRN) was established in December 2006. We aim to strengthen the voice of migrants in discussion and debates, both within civil society and with regional and national authorities. We conduct research and carry out thematic projects and campaigns to support migrant community organisations in engaging with key legislative and policy issues, related to employment, the community, access to public services, and other matters which have consequences for migrants' rights and social justice. Over 1800 organisations and individuals across the UK currently participate in the network's policy discussion and information exchanges.
- In summary, our view is that the proposals outlined in the consultation document would have substantial implications for migrants' rights in the UK. The increasing costs of fees for visa and immigration applications are already an ongoing concern for those seeking to enter and extend their stay within the UK, whether as an economic migrant, student or as a family member. This does not affect everyone equally - the high cost of entering the UK immigration system is a particular problem for applicants applying from developing countries. High costs are also more problematic for migrants seeking to extend their stay in the UK or to naturalise who are based outside the London and the South-East.
- The system proposed here emphasizes 'flexibility' for setting fee levels, but the flexibility would benefit only the government, in doing so generating insecurity and a sense of unfairness for people moving through the system. We would endorse a system which could differentiate fees dependent on people's ability to pay, taking into consideration the fact that ability to pay is likely to vary depending on country of origin and/or area of the UK in which applicants are already settled. But the ethos behind the proposals in this document would instead actively disadvantage those migrants with less financial capital – such as migrant workers considered to be 'low-skilled', those from developing countries, those based outside London and the South-East, refugees and those with dependents such as children and elderly relatives.
- Our comments on the proposals are laid out below according to the pro forma provided by UKBA. For further information or comment on the proposals, please contact Ruth Grove-White, MRN Policy Officer: Tel: 020 7920 6423 / [r.grove-white@migrantsrights.org.uk](mailto:r.grove-white@migrantsrights.org.uk).

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**MRN response to Consultation Questions**

*Q1. Do you agree that we should continue to set fees flexibly by taking into account wider policy objectives such as attracting specific groups of migrants that are beneficial to the UK?*

MRN is generally concerned about the implications of a system that sets the level of fees based on any factors other than recouping the costs necessary to operate the immigration system. We believe that 'flexibility' according to 'wider policy objectives' increases migrants' insecurity, and is likely to generate a sense of resentment among those navigating the system. There is a danger that identification of which migrants are considered 'beneficial to the UK' is open to political manipulation. In particular, we are concerned that setting fee levels in order to "attract specific groups of migrants" has already had the effect of deterring migrants with lesser financial means – particularly those from developing countries – from applying to enter or remain in the UK where their application

may otherwise have been successful. We would endorse a charging system which is transparent and equitable – and we do not believe that the ‘flexible system’ envisaged here is either.

*Q2. Do you agree that fees for the different stages of the journey to citizenship should be set at different levels to reflect the different benefits provided at each stage?*

There is insufficient information to answer this question. In general we are concerned that the increased costs of progressing through the ‘earned citizenship’ system, as indicated by the government, are going to be prohibitively expensive for many people. ‘Probationary citizenship’, prolonging the time migrants will be denied access to mainstream public funds, will additionally increase the financial vulnerability of some migrants moving through the system. This will particularly disadvantage migrants with less financial capital – such as migrant workers considered to be ‘low-skilled’, those from developing countries, those based outside London and the South-East, refugees and those with dependents such as children and elderly relatives. We feel that the costs of progressing through naturalization should, in general, be lowered rather than raised.

*Q3. Do you agree that when setting the fees for the different stages of the journey to citizenship, the UK Border Agency should take into account wider factors?*

As above. There is insufficient information to answer this question – specifically, what is meant by ‘wider factors’. We would not endorse any proposal that would load additional uncertainty or insecurity onto migrants in the name of ‘flexibility’.

*Q4. There are a number of factors that could be used to inform how much the fee for citizenship would cost. What factors, if any, do you think should be used to set this fee?*

This fee should cover the costs of processing applications.

*Q5. Do you agree that the UK Border Agency should set different fees for the same type of application?*

No, not in the way that this proposal has been outlined in the consultation document. We do not think it would be fair to load additional processing costs in certain countries onto individual applicants. The fees should be the same for all applicants, regardless of where they come from or where their application is made.

*Q6. For which of the following methods, if any, do you think we should offer different fee levels?*

There should not be different fee levels for the same type of application.

*Q7. Do you agree that we should set fees flexibly, setting fees for optional premium services at a higher level than equivalent standard applications, depending on the speed/tailoring/convenience of service received?*

No. It is unfair to treat nationality applicants differently from one another, according to whether they pay an additional fee. Applicants from less wealthy countries – for whom the current costs of application are already likely to be burdensome – would be less likely to be able to benefit from a premium service. In addition, although the consultation document states that the standard service would not be affected by introduction of a premium service, we believe it is likely that the quality of service within the standard service would deteriorate.

*Q8. Do you agree that we should charge for consultancy services provided to customers and third parties?*

No. We do not think it is appropriate for the UKBA to act in a ‘consultancy’ capacity. It should provide clear information and guidance to those dealing with the immigration system, including applicants, employers and local authorities, as a matter of course. In principle, the system should be navigable without the need for a panoply of additional, paid-for information ‘consultancy services’ from the UKBA.

*Q9. What types of consultancy and document verification services, if any, do you think the UK Border Agency should charge for?*

None – as above.

*Q10. Do you agree that the UK Border Agency should charge third parties to access the information we hold, within the confines of the Data Protection Act?*

We are generally concerned about the implications of information-sharing, whether paid for by a fee or not, between the UKBA and other government departments for the human rights of migrants in the UK. We are concerned that this could lead to blacklisting of people whose information is shared among other government departments, including out-of date information affecting migrants' opportunities to access services in the future.

*Q11. What type of fee, if any, do you think third parties should pay to access the information held by the UK Border Agency?*

As above.

*Q12. Do you agree that each dependant applying for leave to remain in the UK should pay an additional, separate fee for their application in line with the practice overseas?*

No. The additional costs for families of such a system would be significant. This would be unfair and would effectively act as a tax on parents, particularly on people with a number of dependents and/or on single parents (likely to be single mothers in most cases). If harmonization of the two systems is necessary, the current overseas application system – whereby dependents are charged individually – should be changed to that in operation in the UK.

*Q13. Do you agree that migrants who come under the dependant relative route, and who are over the standard age of retirement, should pay more at the point of application?*

No. It would be unfair for elderly applicants to have to pay more than other applicants. Such a system would be unjustifiable, with potentially distressing implications for people keen to support their elderly relatives.

*Q14. Do you agree that we should charge over-stayers more than the cost of consideration of such applications?*

No. Cases of 'very minor late applications' in which the UKBA would still consider a migrant eligible to regularize their stay in the UK are likely to be due to minor human error rather than intention. Sometimes such late applications are caused by bureaucratic problems generated from within the UKBA itself – in such cases it is not fair that the costs should be loaded onto migrants.

*Q15. Do you agree that we should charge sponsors of migrants in accordance with how well they comply with their sponsorship responsibilities?*

No. MRN is concerned that sponsors of migrants are already subject to high financial and administrative costs, with implications for the working relationships between workers and employers. There is a risk that sponsors will transfer any increased costs onto migrant workers, for example through longer working hours, pay deductions or through creation of a more hostile working environment.

*Q16. Do you agree that the certificate of sponsorship should be priced more flexibly?*

Don't know. As above.

*Q17. Do you agree that a fee should be charged to applicants who request an administrative review of an application that has been refused?*

No. It would be absolutely wrong to require applicants to pay an additional fee for an administrative review, reconsideration or appeal if their immigration or visa application is refused. Refusals are often due to mistakes on the part of the UKBA or embassy staff handling the application. It is through appeals that such errors can be exposed and rectified. By charging an additional fee, many applicants, particularly from developing countries, would be deterred from challenging negative UKBA decisions.

*Q18. Do you agree that a fee should be charged to applicants who request a reconsideration of an application that has been refused?*

No. As above.

*Q19. Do you agree that users of the immigration system should contribute to the costs of the appeal system and, if so, should the costs be paid for by:*

*A. All visa and immigration applicants by ensuring that visa fees contribute towards the cost of the whole system by a small increase*

*B. Those visa and immigration applicants who have a right to appeal against their decisions by increasing the relevant visa fees*

*C. Only those who wish to make an appeal against their original decision by charging a larger fee on appeal*

The costs of the immigration appeals system should be primarily covered from the public purse – in any case a sizeable proportion of the UK tax-base is drawn from foreign nationals. If a proportion of visa and immigration application fees were to be put towards the costs of appeals, this should only be relevant to those applicants with the right of appeal against their decisions.

*Q20. Do you think that any proposal outlined above could have an impact upon community relations?*

Yes. Proposals to load heavier costs onto migrant dependents (both children and elderly relatives), to increase insecurity by basing application fees on ‘flexible’ criteria and to charge for administrative reviews or appeals against decisions would all generate resentment within migrant communities. Those whose families or community members were affected by these proposals would be likely to feel unfairly targeted and penalized, with a negative impact upon community relations.

*Q21. Do you think that any proposals outlined would impact adversely upon small/medium sized businesses? Please provide comments on how this impact might be minimised.*

Yes. As a result of the financial and administrative costs introduced for employers of migrants under the PBS, small and medium sized businesses are already finding it increasingly difficult to recruit workers from overseas. The proposal that ‘B-rated’ sponsors should have an additional charge levied would be likely to disproportionately impact on SMEs.

*Q22. Do you think any proposals outlined above would have a disproportionate effect upon any particular group according to race, gender, age, disability, religion, belief, sexual orientation?*

All of the above. It is highly likely that certain racial and religious groups, particularly those applying from developing countries, would be disproportionately affected by the proposals outlined above – for example the proposal that applicants from particular countries considered to have a ‘high security risk’ would have an additional charge levied. The introduction of a separate fee for each dependent under a family application would disproportionately impact on women, in particular single mothers. The introduction of higher fees for migrants under the ‘dependent relative’ route over the standard retirement age would disproportionately affect elderly people.

*Q23. Are there any other products or services that we should charge for?*

No.

#### INFORMATION ABOUT YOU / YOUR ORGANISATION

(The following information will help with the analysis of responses to the consultation)

*On average, how many applications do you make to UK Border Agency per year?*

Less than 1 per year

*Please tick one of the following boxes which would best describe you / your organisation.*

Micro company (1 – 9 employees)

*Which of the following categories does your organisation fall into?*

Voluntary Organisation/Charity