

## Immigration (Application Fees) Order 2005

This Statutory Instrument will be debated at 4.30 pm on Monday 7 March. ILPA urges you to seek assurances from the Minister about how it will be implemented and to urge him to lower the fees from those proposed in his Written Answer of 7 February (attached).

**The principles for calculating fees:** The SI provides (para 3(1)) for the '*recovery of any deficits incurred before as well as after*' this Order was made. Fees were introduced from August 2003. There is no date given in the order and it would be wholly unfair to expect people to pay now for a service which has been free. ILPA urges that this point be raised with the Minister to seek assurances that fees will not seek to recover costs before this Order comes into force.

The Home Office put out a detailed consultation paper on fees, **which are currently £155** for most postal immigration applications and **£250** for premium (in-person) applications. It raised the question of whether fees for immigration applications should cover the application itself only, or also cover the costs of any appeals against refusal of applications, or also cover the costs of enforcement action taken against those who lost their appeals and then had to be removed. 82% of respondents to that part of the document thought appeal costs should not be included and 92% that enforcement costs should not be included. The Home Office response includes appeal costs in the fees, but not enforcement costs.

The Home Office has given no explanation about why it has made the decisions it has. But the basic application fee announced is *higher* than those suggested in the consultation document.

Proposed costs in consultation document (postal applications)

	family	student	work	new passport endorsement
application costs	£195-230	£195-230	£130-155	£195-230
application+appeal+costs	£235-270	£235-270	£170-200	n/a
application+appeal+enforcement	£325-380	£325-380	£265-300	n/a
premium fee for dealing in person	£300-345	£300-345	n/a	£300-345
<b>Proposed Fees, in Written Answer</b>	<b>£335</b>	<b>£250</b>	<b>£335</b>	<b>£160</b>

**All premium fees, dealing in person at the Home Office, £500.**

Many respondents to the questionnaire urged that there should be different fees for different applications, and this has been done. But there is nothing to show how the Home Office has come to these decisions and how it has costed its work on different

applications. **The basic fee, to be paid by those applying to stay with their families here, or working here, has more than doubled.**

**Unfair fees:** The proposals remain unfair between applicants as they make no distinction about the length of time that people may be permitted to remain. A person with an immigration employment document, for example, will normally be allowed to remain for four years. But a domestic worker will be allowed only for one year and will have to renew her permission each year, at the cost of £335 each time. A doctor or dentist in training may be given only six months at a time.

**Race relations impact:** The fee of £155 (to be raised to £160) for transferring an endorsement of indefinite leave to remain to a new passport, a simple administrative task, has already caused much resentment and has serious implications for good community relations and racial justice. This endorsement is only required for satisfying airlines about people's right to return to the UK after travelling, and often has to be done quickly. The £500 premium fee for this is outrageous.

**Travel documents:** The Home Office has raised the fee for documents for those granted exceptional or discretionary leave from £67 to £195, nearly three times as much. These documents are recognised by few other countries and are mainly used for identity purposes. This rise cannot be justified.

7 March 2005