

ILPA information sheet

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Immigration Fees

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Applications for permission to come to or stay in the United Kingdom carry a fee. The fee depends upon the particular application. In October 2004, the Government changed the law about the level of these fees. From that time, the UK Border Agency (and its predecessors) has been able to charge a fee higher than the cost to the agency of dealing with the application.

This information sheet provides information about how fees are set and the levels of these fees. It does not, however, set out all current fees. It should be noted that fees change – usually each year. Information about changes to fees that are to take effect from 6 April 2010 is given at:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/255022/20-immigration-fees-april-2010>

What the fee is for

A fee is charged for someone to make an application. It makes no difference whether the application is successful or refused.

The size of the fee is not restricted to the cost to the UK Border Agency of dealing with the application. Many immigration fees now include a £50 contribution to the migration impacts fund (see below). However, most fees include a much greater amount that is used to fund other work of the UK Border Agency.

Refused applications, delayed decisions and ex gratia payments

If an application is refused, the fee is usually not returned. This is the case even when the applicant has been wrongly advised by the UK Border Agency (or one of its agents) about making the application. If the UK Border Agency fails to make a decision within a reasonable period of time, the fee is not returned. This is a cause of considerable concern, particularly now that fees have become so very high (see below).

However, the Immigration Minister confirmed on 24 February 2010 that if an application is returned because the form is incorrectly completed, the fee will also be returned. He also confirmed that the UK Border Agency is able to make an ex gratia payment where “*things have gone wrong*”. Making an ex gratia payment means paying a sum of money in circumstances where there is no legal obligation to pay it (see *Hansard* Seventh Delegated Legislation Committee, 24 February 2010 : Column 13).

Further information about complaints and ex gratia payments is provided at:

<http://www.ukba.homeoffice.gov.uk/contact/makingacomplaint/dealingwithyourcomplaint/>

Fee levels

Generally, fees are very much higher than it costs for the UK Border Agency to deal with an application. Fees have also risen sharply since 2004. The tables below provide examples only.

Table 1. Example of fees above the costs to the UK Border Agency of dealing with an application

Type of application	Cost to the Agency (estimate by the Agency) for 2010/11	Fee for 2010/11
Settlement visa (an application for indefinite leave to enter made from outside the UK)	£249	£644
Postal application for indefinite leave to remain (an application made in the UK)	£341	£840
In person application for indefinite leave to remain (an application made at a Public Enquiry Office)	£256	£1,095

Table 2. Example of rise in fees over recent years

Type of application	Fee at August 2003	Fee at April 2005	Fee at April 2007	Fee at April 2009	Fee from April 2010
Postal application for indefinite leave to remain (made in the UK)	£155	£335	£750	£820	£840
Postal application for indefinite leave to remain (made in the UK) for a dependant relative				£820	£1,680

The full range of immigration applications and fees is complex. Anyone making an immigration application should check the UK Border Agency website or take legal advice.

Applications where there is no fee

Most immigration applications require a fee. Applications for asylum or humanitarian protection do not. Applications for settlement (indefinite leave to remain) by refugees or those granted humanitarian protection do not. Applications by European Economic Area (EEA) nationals and their family members for documents confirming rights to reside in the UK also do not require a fee.

Appeals against refused applications

There is no fee in to order appeal if an immigration application is refused. On 24 February 2010, the Immigration Minister acknowledged the concern that charging for an appeal would be unjust “because it would limit appeals to those who could afford it” (see *Hansard* Seventh Delegated Legislation Committee, 24 February 2010 : Column 11). Some refusals cannot be appealed; though it may be possible to ask the UK Border Agency to review a refusal. There is no fee for a review.

Government consultation and proposals

Further information is available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/charging09/>

Migration Impacts Fund

The migration impacts fund makes payments to local services. Payments are decided by looking at the Office for National Statistics’ figures on migration to a particular area, and an assessment by Local Strategic Partnerships and regional Government Offices about the impact this is having.