



DEBATE PACK

Number CDP 2021/0048, 23 March 2021

Immigration and nationality application fees

Summary

This pack has been prepared ahead of the Westminster Hall debate on immigration and nationality application fees on 25 March 2021. The debate will be opened by Meg Hillier MP. The motion for the debate is:

“That this House has considered immigration and nationality application fees”.

Immigration and nationality fees have increased considerably over the past 10 years, although the rate of increases has slowed in more recent years.

The fees charged for certain types of application in particular have been the subject of scrutiny and criticism in recent years. Examples include the fees charged to children entitled to register as a British citizen; serving and former armed forces personnel; migrant healthcare workers; and people on a 10-year route to permanent settlement. The courts have recently found that the fees to register as a British child, and aspects of the Home Office’s policies on fee waivers, have been unlawful.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

By Melanie Gower
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Contents

1. Background	2
1.1 Fees from 6 April 2021	2
1.2 Policy and legislation	3
1.3 Policy on refunds and fee waivers	4
1.4 Concerns about fee levels for certain groups	7
1.5 International comparisons	8
2. News articles and comment	9
3. Parliamentary material	10
3.1 PQs	10
3.2 Debates	18
3.3 Early day motions	18
3.4 Petitions	19
4. Further reading	20

1. Background

1.1 Fees from 6 April 2021

[Immigration and nationality fees tables for 2014-present day](#) are listed on GOV.UK. Tables of the fees charged compared against the estimated unit (i.e. average processing) costs are available from the [Visa fees transparency data](#) page.

There are no increases scheduled for the [fees from 6 April 2021](#).¹ The last significant set of fee increases, which affected most categories, took effect in April 2018.

Previous increases

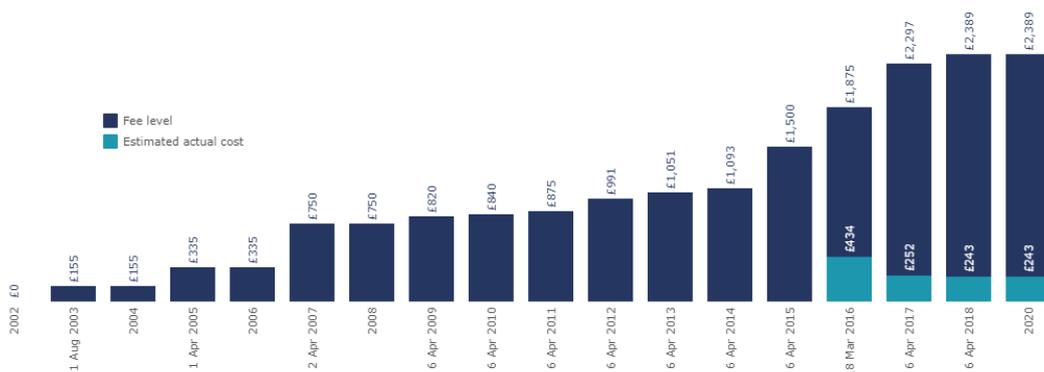
Over the past 15 years or so, under successive governments, immigration and nationality fees policy has reflected the view that the people who benefit most from the UK’s immigration system (i.e. the applicants – broadly, migrants, employers and educational institutions) should make a greater contribution towards its costs, and that the burden on the general taxpayer should be reduced.

Immigration and nationality fees have increased considerably over the past 10 years, although the rate of increases has slowed in more recent years.

An August 2020 briefing by the Migration Observatory at the University of Oxford cites the example of how fees for ILR have changed since a £155 fee was introduced in 2003. It notes that by April 2010 the cost had increased to £840 (in-country postal application), and that further increases led to the £2,389 fee by 2020 (excluding £19.20 compulsory biometric enrolment fee). The estimated unit cost for ILR applications in 2020/21 was £243.²

Figure 7

Fee level for an application for indefinite leave to remain in the UK, 2002 to 2020, and the actual cost to the government to process an ILR application, 2016 to 2020. For a main applicant applying in the UK; not adjusted for inflation; dates indicate when a new fee came into force



Note: Does not include the £19.20 fee for biometric enrolment. Prior to 2012, this analysis uses the fees for applications made by post or courier, which is the most common way in which people applied.

¹ Although a broader range of application categories will become subject to the existing £80 fee for requesting an administrative review of a decision.
² Migration Observatory, [Migrant Settlement in the UK](#), 26 August 2020

Some factors behind the fee increases include:

- Changes to the underlying approach to fees models – e.g. bringing the charging model for in-country and dependants' applications into line with the overseas charging model.
- Legislative changes widening the range of factors that can be considered when setting fees.
- Government's objective of achieving a fully self-funded borders and immigration system (introduced in 2015 and reiterated in 2019).³

Other developments that have contributed to some service users' increased costs over the years include:

- Changes to certain immigration categories, including longer routes to Indefinite Leave to Remain (ILR, i.e. permanent settlement).
- The introduction of an Immigration Health Surcharge (IHS) in April 2015, and subsequent increases to the charge. The IHS applies to almost all temporary immigration categories. It must be paid for upfront and in full at the point of application.
- The introduction of an Immigration Skills Charge, from April 2017 (for employers).
- Subjecting new EU/EEA migrants to the same visa requirements and fees as non-EEA migrants, further to the ending of EU free movement laws.
- The expansion of chargeable optional add-on and premium immigration services, and the outsourcing of aspects of the immigration application process to third-party providers.

1.2 Policy and legislation

Successive pieces of primary and secondary legislation have provided for a flexible charging model for immigration services. In short, some types of application are charged at or below their average processing ("unit") cost, and others have fees set higher than their average cost. This flexibility allows for the level of fees for each category to take into account the cost of processing applications and other immigration functions, the benefits that the migrant obtains in the event of a successful application, and the UK's wider interests and objectives (such as attracting certain types of migrant).

Legislation

The legislative framework for charging fees for "the exercise of functions in connection with immigration or nationality" is set out in the [Immigration Act 2014, sections 68-74](#). The measures in the 2014 Act replaced previous primary legislation on immigration and nationality fees.⁴

³ HM Treasury, [Spending review and autumn statement 2015](#), 27 November 2015; Home Office Impact Assessment [IA NO HO0334](#), February 2019. The Opposition has previously expressed support for the objective: [HC DLC 2 February 2016 c4](#)

⁴ *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*, s42 and *Immigration, Asylum and Nationality Act 2006*, s51-52

The 2014 Act broadened the range of factors that the Secretary of State can take into account when setting fees. They are specified in s68(9):

- (9) In setting the amount of any fee, or rate or other factor, in fees regulations, the Secretary of State may have regard only to—
- (a) the costs of exercising the function;
 - (b) benefits that the Secretary of State thinks are likely to accrue to any person in connection with the exercise of the function;
 - (c) the costs of exercising any other function in connection with immigration or nationality;
 - (d) the promotion of economic growth;
 - (e) fees charged by or on behalf of governments of other countries in respect of comparable functions;
 - (f) any international agreement. (...)

Functions for which a charge is to be made are specified in a fees order (currently, the *Immigration and Nationality (Fees) Order 2016*, [SI 2016/177](#) as amended).⁵ The Order also specifies how the fee is charged (e.g. whether as a fixed or hourly rate), and the minimum and maximum fees that may be applied for each function. Fees orders are subject to the draft affirmative approval procedure.

The amounts to be charged are specified in fees regulations (currently, the *Immigration and Nationality (Fees) Regulations 2018*, [SI 2018/330](#) as amended).⁶ Fees regulations are subject to the negative approval procedure. Amendments for the coming financial year (e.g. to reflect new visa categories and changes in the Immigration Rules) are specified in the *Immigration and Nationality (Fees) (Amendment) Regulations 2021*, [SI 2021/269](#) – these regulations come into force on various dates from 31 March 2021.

1.3 Policy on refunds and fee waivers

The 2014 Act allows for fee regulations to specify fee exceptions, reductions, waivers or refunds.⁷

Refunds

Application fees reflect a wider range of factors than the administrative cost of processing the application. These can include the value of the advantages that the applicant may obtain if the application is granted. But Home Office policy does not allow for refunds if an application is refused.⁸ There is some limited scope to provide a refund if an application is withdrawn before a decision is made (depending on what stage the application has reached) and in certain other circumstances.⁹

⁵ Immigration Act 2014, s68(2)

⁶ Immigration Act 2014, s68(7)

⁷ *Immigration Act 2014*, s68(10)

⁸ The cost of the citizenship ceremony is refunded if a citizenship application is refused.

⁹ Detailed in Home Office policy guidance, [Immigration and nationality refunds policy](#), v3.0, 23 February 2021

Fee waivers: In-country applications

Certain categories of human rights-based applications may be eligible for a fee waiver (application fee and/or Immigration Health Surcharge).

They are listed in the Home Office's [Fee waiver policy guidance](#):

- applications for leave to remain under the 5-year partner route from applicants who are not required to meet the minimum income threshold because their sponsor is in receipt of one or more specified benefits ...
- applications for leave to remain under the 5-year parent route.
- applications for leave to remain under the 10-year partner, parent or private life route, where the applicant claims that refusal of that application for leave to remain would breach their rights (or the rights of other specified persons) under ECHR Article 8 (the right to respect for private and family life).
- applications for leave to remain on the basis of other ECHR rights.
- applications for further leave to remain from applicants granted discretionary leave (DL) following refusal of asylum or humanitarian protection, where the applicant claims that refusal to grant further leave to remain would breach their ECHR rights.
- applications for further DL from victims of trafficking or slavery who have had a positive conclusive grounds decision from a competent authority of the national referral mechanism (NRM), have already accrued 30 months' DL and are seeking to extend it for reasons related to trafficking or slavery.¹⁰

The guidance emphasises that the underlying ECHR rights must form the "substantive basis" of an application for it to be eligible for consideration of a fee waiver.

Fee waivers must be granted if:

- the applicant has credibly demonstrated that, after meeting their essential living needs, they do not have sufficient funds available to pay the fee; or
- the applicant has credibly demonstrated that they are destitute or are at imminent risk of destitution¹¹; or
- the applicant's income is not sufficient to meet their child's particular and essential needs and/or paying the fee would deprive the child of having their needs met.

¹⁰ Home Office, [Fee waiver: Human Rights-based and other specified applications](#), v5.0 5 March 2021

¹¹ As defined in [Immigration and Asylum Act 1999, s95\(3\)](#)

Legal challenges and recent developments

In May 2020 the Upper Tribunal found that the Home Office's fee waiver policy guidance was unlawful.¹² The policy guidance incorrectly suggested that the test for fee waiver requests was whether the applicant was destitute or would become destitute if they paid the fee, rather than considering whether the applicant could afford the fee, as previous caselaw had established the test should be. The Home Office has since updated its policy guidance to emphasise the correct approach to considering fee waiver requests.

In a recent article for the Free Movement immigration law blog, Nath Gbikpi, an immigration solicitor, commented that the updated Home Office policy guidance represents a significant improvement, but highlighted several areas of ongoing concern. These included that applicants must go through a "demeaning and undignified" process of explaining and justifying their expenditures; that the application can only be made online; and that due to the volume of evidence required to submit an application, "ironically, fee waiver applications can be so complex that applicants may need to pay for a legal representative to help them prepare the application".¹³

Stakeholders have also highlighted that applications for ILR from people previously granted leave to remain on human rights grounds aren't eligible for fee waiver requests. They argue that as a result, applicants who are unable to pay the ILR application fee (currently, £2,389) can face a prolonged period with temporary leave (which is more insecure and provides less favourable rights).¹⁴

Fee waivers: Out of country applications

[Separate policy guidance](#) on discretion to waive fees for out of country visa ("entry clearance") applications has also recently been subject to legal challenge.

The policy provided more limited grounds to waive fees for out of country applications ("in exceptional cases only, such as civil war or natural disaster"), and did not specifically refer to human rights-based applications.¹⁵

Claimants in recent judicial review proceedings argued that the policy was unlawful and irrational, citing previous caselaw on the correct test for fee waivers. The Home Office agreed to withdraw the policy.¹⁶ Decision-making on out of country fee waiver applications is on hold pending the issuing of revised guidance.

¹² [R \(Dzineku-Liggison & Ors\) v SSHD. \(Fee Waiver Guidance v3 unlawful\)](#) [2020] UKUT (IAC)

¹³ Free Movement Blog, "[Fee waiver policy: who qualifies and what does the Home Office policy say](#)", 15 March 2021

¹⁴ Home Office policy guidance on family and private life 10-year routes makes allowance for a person applying for further limited leave to be granted a longer period of leave or ILR, in "rare" cases.

¹⁵ Home Office, Entry Clearance Guidance, [ECB06: entry clearance fees](#), 15 March 2021

¹⁶ Free Movement Blog, '[Policy on fee waivers for entry clearance is unlawful, government concedes](#)', 8 March 2021

1.4 Concerns about fee levels for certain groups

Criticisms of the fees levelled for certain types of application have been particularly high-profile in recent months.

Fees to register a child as a British citizen

Children who are entitled to be registered as a British citizen are required to pay a fee of £1,012 (the administrative cost of processing the application is £372). In February 2021 the Court of Appeal found that the fee is unlawful because it fails to take into consideration the child's best interests.¹⁷ The Government has not yet confirmed how it will respond to the decision. The Project for the Registration of Children as British Citizens (who brought the litigation) has been granted permission to appeal to the Supreme Court on a further point, on whether the fee is also unlawful because it deprives many children of their citizenship rights.

Fees charged to HM armed forces personnel

There are there are longstanding calls for immigration fee waivers/flexibility for Commonwealth and Gurkha national serving/former members of HM armed forces (and armed forces personnel more generally).¹⁸ The Home Office and Ministry of Defence have been discussing the issue for over a year, and a public consultation on how to offer greater immigration fees flexibility to Commonwealth and Gurkha armed forces personnel fees is expected to be launched "imminently".¹⁹

People granted leave to remain on private/family life grounds

People granted temporary (limited) leave to remain on private/family life grounds must renew their immigration status and pay the IHS every 2.5 years. They do not become eligible for ILR or have an automatic entitlement to apply for public funds until they have completed 10 years' continuous qualifying residence.

A single adult currently applying for 2.5 years temporary leave on family/private life grounds would have upfront application costs of at least £2593 (£1033 for the visa application and £1560 for IHS). Over a 10-year period of qualifying residence, if the fees did not change, their application costs would be at least £10,372 (separate to the £2389 application fee for ILR).

As noted in section 1.3 above, some applicants might be covered by the Home Office's fee waiver policy.

NHS/health and care workers

In response to stakeholders' concerns and public pressure, the Government has taken several measures over the past year or so to reduce the fees burden on some migrant healthcare workers and their

¹⁷ [\[2021\] EWCA Civ 193](#)

¹⁸ See Commons Library, [Nationality and immigration requirements for the UK's armed forces](#), CBP 8625, 26 January 2021

¹⁹ [PO UIN 164512](#), answered on 16 March 2021

employers. For example, application fees for the [Health and Care visa](#), launched in August 2020, are significantly lower than the standard Skilled Worker visa fees, and applicants are exempt from paying the IHS. Free visa extensions have also been granted to some healthcare workers, in response to the Covid-19 pandemic.

1.5 International comparisons

For visa/immigration application fees tables in other jurisdictions, see for example:

- **Canada:** [Fee list \(cic.gc.ca\)](#)
- **Australia:** [Visa fees and charges \(homeaffairs.gov.au\)](#)
- **New Zealand:** [Fees, decision times and where to apply | Immigration New Zealand](#)
- **Sweden:** [Private individuals - Swedish Migration Agency \(migrationsverket.se\)](#)

Many countries have a range of work, study, visit and family/private life visas, which can make it difficult for people unfamiliar with each systems to identify appropriate categories to compare.

Visa/residence permit systems differ considerably by country, so comparisons should be made with caution. For example, under the UK's system, people generally only become eligible to apply for permanent permission to stay after they have already entered the country and completed a period of residence in a qualifying temporary visa category. Other countries have different approaches. For example, it might be possible to apply for an immigration status which immediately gives permission to stay in the country permanently. Some countries require migrants to apply for a residence/work permit, separate to any visa requirements that might apply.

Approaches to setting fees also vary. Many countries also have bilateral visa waivers or subsidies with certain other countries, so fees might vary depending on the applicant's nationality.

2. News articles and comment

The following is a selection of news and media articles and comment relevant to this debate.

Please note: the Library is not responsible for either the views or the accuracy of external content.

[Fee waivers: Home Office defeated again](#)

Doughty Street Chambers, 5 March 2021

[Home Office fee for registering children as British citizens 'unlawful', appeal judges rules](#)

The Justice Gap, 22 February 2021

[£1,000 fees for child citizenship are illegal, appeals court rules](#)

The Independent, 18 February 2021

[Government's own immigration charge hitting NHS trusts with £15m in fees to use overseas staff](#)

Politics Home, 24 August 2020

[Home secretary challenged over citizenship fee for UK-born children](#)

Financial Times, 26 November 2019

[Leave to remain – but no home to remain in after fees treble](#)

The Guardian, 31 July 2019

[Charities demand review after report on 'exorbitant' immigration fees](#)

Sky News, 5 April 2019

[More than 70% of UK immigration fee waiver requests by destitute are rejected](#)

The Guardian, 4 April 2019

3. Parliamentary material

3.1 PQs

[Migrant Workers: EU Nationals](#)

Asked by: Lord Berkeley (Labour)

To ask Her Majesty's Government what are the current costs of obtaining (1) short-term work visas, and (2) certificates of sponsorship, for EU citizens seeking to work in the UK; why there are different charges for citizens of different EU member states; and whether this policy reflects the UK's commitment in the EU-UK Trade and Cooperation Agreement to treat the EU as a bloc for short-term visit visas.

Answering member: Baroness Williams of Trafford | Home Office

Details of all Immigration and Nationality Fees are published on gov.uk at:

<https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-31-january-2021>.

The UK has long standing arrangements in its legislation for the nationals of countries which have ratified the 1961 Council of Europe's Social Charter (CESC) to qualify for a fee reduction for visa applications to come to work in the UK.

Nationals of the 26 countries which have signed and ratified the CESC are eligible for a reduction of £55 to their application fee if they are applying for a visa under a work route. Where the applicant is required to have a Certificate of Sponsorship (CoS) from their employer, the CoS can be issued free of charge.

Details of the routes which qualify for a reduced fee are published at:

<https://www.gov.uk/government/publications/fee-arrangements-for-cesc-nationals/fee-arrangements-for-cesc-nationals>.

The fee reduction of £55 only applies to the main applicant, it does not apply to dependants.

There is no visa requirement for EU, EEA and Swiss citizens visiting the UK for up to 180 days. The UK-EU TCA obliges the UK to treat all EU citizens as a bloc for the purposes of imposing any short term visit visa requirement.

22 Feb 2021 | Written questions | House of Lords | HL13049

[British Nationality: Applications](#)

Asked by: Hillier, Meg (Labour)

To ask the Secretary of State for the Home Department, what fee changes she plans to propose for British Citizenship applications in the 2021-22 financial year.

Answering member: Kevin Foster | Home Office

We keep our fees for immigration and nationality applications under review and ensure they are within the parameters agreed with HM Treasury and Parliament, as set out in Section 68 (9) of the Immigration Act 2014.

Child citizenship registration fees are the subject of current litigation. While the court case is ongoing it would not be appropriate to comment on next steps.

16 Feb 2021 | Written questions | House of Commons | 150715

Immigration: Armed Forces

Asked by: Lake, Ben (Plaid Cymru)

To ask the Secretary of State for the Home Department, what assessment her Department has made of the potential merits of waiving visa fees for otherwise eligible foreign or commonwealth citizens who apply for indefinite leave to remain at least 28 days after their discharge from HM Forces.

Answering member: Kevin Foster | Home Office

This Government hugely values every member of our outstanding Armed Forces and we are humbled when non-UK nationals choose to serve our country. It is for these reasons we explicitly provide for non-UK veterans discharged from HM Forces to obtain settlement in the UK.

Home Office guidance gives caseworkers the flexibility to consider cases outside the Immigration Rules for discharged members of HM Forces who have not yet regularised their immigration status:

<https://www.gov.uk/government/publications/hm-forces-applications-on-discharge>

It is not possible to estimate the number of non-UK former members of HM Forces living in the UK who have not made an application for indefinite leave to remain despite being eligible to do so, as there are other options available to those who discharge. Some may choose to return to their country of nationality, while others may naturalise as British citizens during their service.

The Home Office is engaging with MPs, campaigners and members of the public to assess whether those who have served in the Armed Forces should continue to pay settlement fees. The Home Secretary recently met the Defence Secretary to consider how we can offer greater flexibility and support for such people, and their families, in future. Subject to collective agreement, the Ministry of Defence will be launching a public consultation on this issue in due course.

21 Jan 2021 | Written questions | House of Commons | 139110

NHS: Overseas Workers

Asked by: Roberts, Rob (Con)

To ask the Secretary of State for Health and Social Care, if he will make an assessment of the potential merits of taking steps with the Home

Secretary to waive the fees for overseas NHS workers applying for (a) indefinite leave to remain and (b) British citizenship with a caveat that those fees would become payable should those workers subsequently leave the employment of the NHS.

Answering member: Helen Whately | Department of Health and Social Care

We have made no specific assessment. However, we value and welcome the contribution of all overseas staff to the National Health Service and have introduced the Health and Care Visa, exempting overseas staff from paying the Immigration Health Surcharge and offering free and automatic visa extensions for those that were due to expire between 31 March 2020 and 31 March 2021.

18 Jan 2021 | Written questions | House of Commons | 136084

[British Nationality: Fees and Charges](#)

Asked by: Lord Alton of Liverpool (Crossbench)

To ask Her Majesty's Government, further to the answer by Baroness Williams of Trafford on 19 October (HL Deb, cols 1272–5), in how many instances citizenship fees were waived during the last twelve months for which figures are available; how many of those waivers involved children; and what plans they have to undertake a children's best interest assessment of their policy on citizenship fees.

Answering member: Baroness Williams of Trafford | Home Office

There are no general waivers that apply to citizenship applications. There is however, a specific waiver which allows for a child who would have become a British citizen but for the fact that the mother was married to someone other than the child's biological father at the time of the birth, to apply to register as a British citizen without needing to pay a fee.

There are a number of exceptions to application fees for leave to remain in the United Kingdom which protect the most vulnerable, such as for young people who are in the care of a local authority.

Citizenship registration fees are the subject of current litigation. While the court case is ongoing it would not be appropriate to comment on next steps.

03 Nov 2020 | Written questions | House of Lords | HL9346

[Immigration: Married People](#)

Asked by: Wakeford, Christian (Con)

To ask the Secretary of State for the Home Department, for what reasons a UK citizen living in the UK is charged a fee for the citizenship applications process to bring their non-UK citizen spouse to the UK and a EU citizen living in the UK is able to bring their spouse to the UK through the settled status scheme.

Answering member: Kevin Foster | Home Office

The Immigration Act 2014 gives the Home Office statutory powers to set fees for applications for entry or residence documentation issued under our domestic Immigration Rules and fees currently charged to non-EU citizens, including the dependants of British citizens, take into account wider factors within primary legislation.

At the end of the transition period, we will introduce a new fairer immigration system. This new points-based immigration system, to be implemented from 1 January 2021, will focus on the skills migrants possess and the contribution they can make to the UK, not where their passport comes from. Our intention is to align the immigration arrangements for newly arriving EU citizens with those for migrants from the rest of the world, including in respect of family reunion. Further details of the new system will be set out in due course.

The EU Settlement Scheme reflects our obligations under the Withdrawal Agreement with the EU in relation to EU citizens resident in the UK by the end of the transition period and their family members. British nationals living in the UK are not exercising free movement rights and therefore need to sponsor family members under the UK's immigration rules.

21 Oct 2020 | Written questions | House of Commons | 103669

[Project for the Registration of Children as British Citizens v Home Office](#)

Asked by: Lord Alton of Liverpool

To ask Her Majesty's Government what estimate they have made of the costs of their decision to appeal the decision of the High Court on 19 December 2019 in *Project for the Registration of Children as British Citizens versus Home Office*.

Answering member: Baroness Williams of Trafford | Home Office

My Lords, we do not comment on ongoing litigation. Administrative costs are not recorded against particular legal cases, and as the litigation is ongoing we are not able to provide an accurate assessment of the legal costs at this time.

Lord Alton of Liverpool (Crossbench)

My Lords, is it not passing strange that the Home Office can calculate the difference between the £640 that it costs to administer the citizenship fee and the £1,012 that it actually charges, even to children in care, but cannot assess the legal costs of contesting the High Court's judgment? Instead of racking up lawyers' fees and subsidising the immigration system with what Sajid Javid rightly called huge citizenship fees, should it not be reviewing this policy as noble Lords from right across your Lordships' Chamber have argued?

Baroness Williams of Trafford

My Lords, the Immigration Act 2014 allowed for the review of fees. I can give the noble Lord a general figure, which is that just over £2 billion was generated from visa, immigration and nationality income and

passport fees in 2019-20. The cost of BICS, the borders, immigration and citizenship system, was £3.18 billion.

The Lord Bishop of London

My Lords, the judgment in December 2019 highlighted that the Home Office application fee to register a British citizen was £1,012 for children, even though the Home Office estimated the cost of processing applications for registration as £372. Putting a financial barrier on being able to access one's rights is a clear barrier to one's access to justice. What assessment have Her Majesty's Government made of the number of people whose rights are limited by the level of the fee that has been set?

Baroness Williams of Trafford

There are areas for fee waivers, and children in care may well have their citizenship fees paid for them. I reiterate my previous point that just over £2.9 billion is generated in fees, whereas the cost of BICS is over £3 billion.

Baroness Altmann (Con)

My Lords, I am delighted that there are some exemptions for children, both those born before 2006 and those born after. Does my noble friend agree that this is not about immigration but about children with the right to register as citizens and potentially denying them their right to register if they cannot fund more than £1,000? I encourage my noble friend, who I know is compassionate about this issue and about children in general, to urge the department to perhaps consider again.

Baroness Williams of Trafford

I agree with my noble friend that we do not underestimate the significance of the issue of fees for child citizenship and registration as a British citizen to both Members of the House and to those affected. As I said earlier, we keep those fees under review.

Baroness Butler-Sloss (Crossbench)

Are those children whose families do not have enough money to pay for British citizenship to which they are entitled liable to be deported when they become 18?

[...]

Baroness Williams of Trafford

It is quite all right. Destitution and the inability to pay a fee—I have mentioned children in care—would not be a preventative factor for people gaining leave to remain in this country. Where an applicant can pay the whole immigration fee but none or only part of the immigration health surcharge, the immigration fee will be required and an exemption will be applied to the immigration health surcharge. As the noble and learned Baroness can see, there are a number of areas in which fees can be waived.

[...]

Lord Paddick (Lib Dem)

My Lords, can the Minister explain why the Government want the immigration system to be self-funding in a way that no other government department is? Controlling immigration is of benefit to all citizens and should therefore be paid for by all citizens.

Baroness Williams of Trafford

The whole rationale behind the fee is to pay for the costs of the border, and not everyone goes through the border. I take the noble Lord's point, of course, that maintaining a strong border is a cost to everyone.

Baroness Gardner of Parkes (Con)

My Lords, can the Minister tell me whether the Government have assessed how many people forgo registering for British citizenship for themselves and their families as they cannot afford it? How this might contribute to their sense of belonging and well-being is important. It is over £1,000 per person, and £4,000 for two adults and two children. What can be done to help with that finance?

Baroness Williams of Trafford

As I mentioned earlier, there are waivers for certain groups of people, particularly children in care. I cannot tell my noble friend how many people did not apply or register last year, but I can say how many did. There were 49,000 applications for registration in 2019, and nearly 46,000 of those were granted, of which over 34,000 were for minors.

Lord Kennedy of Southwark (Lab)

My Lords, I entirely agree with the comments of the noble Baroness, Lady Altmann. Can the Minister tell the House whether she believes it is right that the immigration system is subsidised by children who are born in Britain and have lived their entire life in Britain and have the right to be British? I think it is wrong, grossly unfair and risks pricing children out of their legitimate rights. There are numerous examples of when the Government have refused to let other bodies recover their costs. I have asked many times here why local bodies cannot recover their planning costs—but the Government constantly refuse to do that.

Baroness Williams of Trafford

As I said to my noble friend, and say to the noble Lord now, we do not underestimate the significance of that cost, to either an individual or a family. We keep the fees under review, and, for children and their well-being, there are a number of exceptions to fees for applications for leave to remain.

Lord Roberts of Llandudno (Lib Dem)

My Lords, is this not just one other example of the feeling of hostility: that the Government, the Home Office and the immigration system are against us? Not only that, but imagine how full of worry and anxiety somebody facing deportation or tribunal is. This makes us one of the most inhospitable of countries. Is it not time to revise again the British Nationality Act 1981?

Baroness Williams of Trafford

My Lords, I refer the noble Lord to when the fees were last agreed. They were set out in Section 68(9) of the Immigration Act 2014, during the coalition Government.

19 Oct 2020 | Oral questions | House of Lords | 806 c1273

[British Nationality: Armed Forces](#)

Asked by: Hendry, Drew (SNP)

To ask the Secretary of State for the Home Department, what assessment she made of the cost of the UK citizenship application process for armed forces service personnel prior to publishing the proposed 5 October 2020 immigration and nationality fees.

Answering member: Kevin Foster | Home Office

The Government highly values the service of all members of HM Forces, Given this we explicitly provide for non-UK veterans discharged from HM Forces to obtain settlement in the UK after having served for four years or more or having been discharged for medical reasons due to their service.

The Ministry of Defence makes clear to foreign and Commonwealth recruits into the Forces the process by which they and their families can attain settlement in the UK and the costs involved.

Additionally, fee waivers are available for Leave to Remain applications for those making Article 8 claims, based on Family and Private Life, if an applicant is destitute or could be rendered destitute in paying the fee, or where there are exceptional financial circumstances which mean the fees and charges cannot be afforded without detriment to the applicant or their family. This provides for an individual or family to remain here lawfully and to apply for Indefinite Leave to Remain and pay the fees, when the funds become available.

Discussions continue between the Home Office and the Ministry of Defence about how we can build on the provisions which already exist in our immigration and nationality system for foreign and Commonwealth nationals serving in the Armed Forces and will confirm further news in due course.

25 Sep 2020 | Written questions | House of Commons | 92812

[Windrush Generation: Compensation](#)

Asked by: Monaghan, Carol (SNP)

To ask the Secretary of State for the Home Department, for what reasons fees for successful but unnecessary applications to her Department are not covered under the Windrush Compensation Scheme.

Answering member: Priti Patel | Home Office

The Windrush Compensation Scheme (WCS) compensates individuals for fees associated with immigration applications that would have confirmed the lawful status they held at the time (British Citizenship, Right of Abode, Indefinite Leave to Remain/Enter), but were unsuccessful because they were unable to provide sufficient evidence of that lawful status. Fees for immigration applications that were successful will not be awarded under the scheme because they gave individuals documentary evidence of their status.

The WCS will further compensate individuals if, following these unsuccessful immigration applications, in a reasonable attempt to resolve their immigration status they made additional, different, immigration applications (e.g. limited leave to remain) that also did not resolve their lawful status. Where it is decided to make a payment for these immigration application fees, any associated health charge paid under section 38 of the Immigration Act 2014 will also be made.

The WCS will not made any awards for fees associated with unsuccessful passport applications. This is in line with the scope of the Commonwealth Citizens Taskforce, because all individuals are required to pay for passport applications.

08 Sep 2020 | Written questions | House of Commons | 83854

Immigration

Asked by: Coyle, Neil (Lab)

To ask the Secretary of State for the Home Department, what steps her Department has taken to consult with employers on the cost of applications under the proposed new points-based immigration system.

Answering member: Kevin Foster | Home Office

We recognise the new system will mean changes in the way businesses operate and recruit. That is why we are providing certainty on the new system now, giving us time to work together to understand employer's needs.

Fees for border, immigration and citizenship products and services play a vital role in our country's ability to run a sustainable system. We believe it is right that those who use the systems should contribute to its cost, thereby reducing the burden on the UK taxpayer.

A new programme of engagement is underway to raise awareness of the new system, ensuring those affected by the changes are fully aware of what it means for them and understand how the system will operate. Throughout the COVID-19 pandemic, and since the Policy Statement was published in February 2020, we have facilitated over 50 engagement events and continue to hold regular events across the UK and a wide range of sectors. We have published an introduction to the points-based immigration system for employers and launched a direct email campaign to enable businesses to sign-up to receive updates on the system's implementation.

20 Jul 2020 | Written questions | House of Commons | 74615

British Nationality: Applications

Asked by: Foxcroft, Vicky (Lab)

To ask the Secretary of State for the Home Department, whether there are concessions for fees for citizenship applications for British citizenship whose income is prohibitively low.

Answering member: Kevin Foster | Home Office

The Home Office does not provide for the reduction or waiver of fees for citizenship applications based on income.

Applying for British Citizenship is not mandatory and many individuals who have Indefinite Leave to Remain (ILR) in the UK choose not to do so. This is because a person with ILR continues to benefit from full access to the UK labour market, education and healthcare, and the ability to sponsor family member residence in the UK. This means the application can be made once the individual is ready to do so.

The Home Office keeps fees under regular review.

10 Jun 2020 | Written questions | House of Commons | 53538

3.2 Debates

[British Citizenship Fees: Children](#), HC Deb 14 September 2018, cc1-24WH

[Immigration and Nationality \(Fees\) Regulations 2018](#), HL Deb 12 June 2018, cc1655-1679

3.3 Early day motions

FEES FOR REGISTERING CHILDREN AS BRITISH CITIZENS

That this House believes that tens of thousands of children born and living in the UK and entitled to register as British citizens under the British Nationality Act 1981 are nevertheless undocumented and therefore unable to access public services, social security, private rented accommodation, the labour market and many other benefits of citizenship; further believes that some will simply be unaware of the requirement to register and many others will not have the means to afford the fee of over £1,000 charged by the Home Office; notes that the estimated cost of processing such applications is only £372; believes that no child should be prevented from taking up their entitlement to British citizenship simply because of cost; calls for the fee for applications to be reduced to no higher than the cost of processing, for exemptions for children in local authority care, and for fee waivers for children who cannot afford to pay any fee at all; and further calls for steps to be taken to raise awareness of the need to register the right of these children to British nationality.

14 May 2018 | House of Commons | 1262 (session 2017-19)

Primary sponsor: McDonald, Stuart C. (SNP)

Number of signatures: 74

3.4 Petitions

Lower the cost of British Citizenship applications to £372.

The government should lower the fees of citizenship to make it more accessible for the people eligible. It only costs the Home Office £372 to process the application.

To gain settled status people need to live in the UK for at least 5 years and demonstrate sufficient knowledge of the English language and British culture. After settlement, they can then apply for Citizenship. These requirements are perfectly reasonable but the cost is not. This fee does not reduce the number of immigrants or reduce the impact on social services. It simply suppresses millions of people who pay tax. Why are we supporting a system of taxation without representation?

Number of signatures: 17,684

Government response:

All fees are kept under review, however there are no current plans to lower the cost of British Citizenship applications to £372.

The Government believes it is right those who use and benefit directly from the Border, Immigration and Citizenship system contribute towards meeting the costs, thereby reducing the burden on the UK taxpayer.

The Immigration Act 2014 provides that nationality fees should be set taking into account the costs of considering an application, in addition to the benefits of becoming a British citizen and wider costs of operating the Border, Immigration and Citizenship system. They are not set to reduce migration or fund social services.

The principle of charging at above cost has been in place for over a decade and has been approved by Parliament.

Being recognised as a British citizen is an important and defining moment in a person's life and British nationality brings many benefits which applicants value highly. These benefits include eligibility for a British passport, the right to vote in general elections and eligibility for consular support outside of the UK.

While the Home Office acknowledges applicants may wish to apply to become British, citizenship, or registration of citizenship is a choice, and not necessary to live, study or work in the UK. Applicants are therefore expected to pay the specified fee. Fee waivers, exceptions and reductions not extended to citizenship applications, except in very limited circumstances.

Home Office | 5 February 2021

4. Further reading

We Belong, [Immigration and Nationality Fees](#), March 2021

Migration Observatory, [Citizenship and naturalisation for migrants in the UK](#), 12 March 2021

Project for the Registration of Children as British Citizens, [Court of Appeal Judgment on Children's Citizenship Fee](#), February 2021

Migration Observatory, [Migrant Settlement in the UK](#), 26 August 2020

Independent Chief Inspector of Borders and Immigration, [An inspection of the policies and practices of the Home Office's Borders, Immigration and Citizenship Systems relating to charging and fees](#), 4 April 2019

Home Office, [Response to an inspection of Home Office \(BICS\) policies and practices relating to charging and fees](#), 4 April 2019

Home Office, [Immigration fees and charging: Consultation 2013 – response](#), January 2014

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