

HSMP Forum's submission for the Charging Consultation

This is a submission for the Charging Consultation conducted by the Home Office; we hope it will be taken into consideration.

"HSMP Forum" is a not-for-profit organisation. It was formed after the 2006 decision by Government to apply new qualifying criteria for Highly Skilled Migrant Programme (HSMP) for permanent residency (ILR) and for visa extensions of existing Highly Skilled Migrant residents. "HSMP Forum" has been lobbying the Government and courts by challenging unfair policies, to allow existing legal Skilled Migrants to settle in UK. The organisation's aim is to support and assist migrants under the world-renowned British principles of fair play, equality and justice and believes in challenging any unfair policies which undermines migrants' interests.

We believe it is unethical for a Government agency to function as a profit making organisation. It has been noticed that the fees charged for issuing entry clearance, visa extension and settlement have been increased more than 100% since April 2007. This has caused severe hardship for a large number of migrants and their families.

We believe the application fees should only cover the administrative costs for considering an application. Charging immigrants for the application is fair but when the government earns profit from the application fees even to pay for its other services, then this amounts to a form of extra taxation.

The UK Border Agency should stop behaving like a profit making entity with monopoly services. The level of service it provides does not match that of profit making companies. The level of service is poor with major delays in application consideration waiting times over the phone and is not value for money, therefore, charging exorbitant fees is extortion and exploitation and should be stopped.

The UK Border Agency should not be exercising its unwarranted power to raise application fees. Immigrants should not be treated as cash machines. Immigrants already benefit UK by way of paying their taxes. It is unfair to expect immigrants to share more than their share of the burden by paying for the government's or Home Office's other services.

There are human rights implications. The excess application fees charged to Immigrants (and their families) can amount to 50% to up to 100% of their monthly salaries this impacts their life and puts them into financial problems.

The key costs and benefits estimate given in the impact assessment suggests that the expected income which would be raised in 2010/11 in terms of costs to applicants

would be £ 48 million and £ 113 million pa thereafter, while the processing costs are estimated to be £ 16 million in 2010/11 and £ 38 million pa thereafter. Therefore, it clearly suggests of a profit oriented approach.

The document 'Charging for immigration and visa applications – Impact assessment' suggests that the Government's policy objective is to charge fees that recover approximately 30% of UK Border Agency's costs. The applicant does not have an obligation to pay towards the overall costs of the UK Border Agency, only the application processing costs of the applicant.

Response to the Impact assessment

The impact assessment also claims the costs structure is derived from a fundamental belief that 'those who benefit most should pay proportionately more, to manage the burden on the UK taxpayer'. We believe this is a one sided belief, the benefit claimed to be derived by the immigrant is not really a benefit but fulfilment of the commitment which was initially made by the Home Office in terms of an existing policy. Immigrants who come to work and settle in Britain make innumerable sacrifices in the process by winding up their properties, businesses, employment and by uprooting their family in their home countries. Therefore, suggesting that by obtaining extension, settlement or citizenship being a benefit to them raises a charitable undertone which is inappropriate and short sighted and undervalues the immigrants contribution towards the UK economy. In-fact it has often been argued that it is the immigrant who benefits the UK.

Those who come to work in Britain happen to be taxpayers themselves, making claims such as charging them further to manage the burden on the UK taxpayer is both unjustified and misleading. Those who fall under the immigration restrictions do not have any access to benefits, privileges and entitlements except contributing towards and boosting the UK economy. The benefits, privileges and entitlements while accessing citizenship for the segment of immigrants who have been robustly contributing towards the UK economy should be considered as a right. For example, while employed, a worker is eligible for benefits such as pensions, gratuity etc—these are contractual obligations, not favours. Trying to introduce an additional charge for what immigrants rightfully deserve would be undignified and would smack of British Nationality being on sale.

Though the policy objective is to make the 'fees clear and straightforward and easily understandable for UKBA customers' but in-fact this objective is clearly not being met, as when the fees charged are over and above the application processing costs, the fees structure cannot be said to be clear and straightforward and easily understandable for UK Border Agency's customers and would be contrary to these claims.

By implication, there is a category of applicants who are being charged below the cost of delivery. It would make UKBA's logic more transparent if it is explained which category this is and what the rationale for 'undercharging' them is. It is ironic to suggest that UK Border Agency services are of world class level. It is not clear if this claim is concerned only with similar services provided by other countries.

Dependants' application fee

We are also concerned about the introduction of separate application fees for dependents. The additional charge for dependants even though the main applicant is applying with the dependants would be unfair since the dependent's application won't be judged independently from the main applicant as it would rely and would be connected with the main applicant. It is misleading to claim that it is concerned with 'greater alignment between overseas and in-country pricing structure'. The greater alignment would have been possible by ensuring that it would be favourable for the applicant and not UKBA alone.

Contact Person:

Amit Kapadia

Email - amit@hsmpforumltd.com

Ph # 02087373623

Mobile # 07830374629