



Asylum and Refugee Network - QARN

Excessive fees: applications for Leave to Remain in the UK

'Our historic testimonies to equality, justice, peace, simplicity and truth challenge us to alleviate suffering and seek positive social change.'

Quaker Faith and Practice 8.11

QARN is joining with others to campaign for the lowering of the exorbitant Home Office fees currently required of people who have been accepted as qualifying for Discretionary Leave to Remain following an application for asylum. These excessive fees, paid by people in already vulnerable situations, also help fund the wider immigration system.



Illustration by George Sfougaras

Why are Quakers concerned?

The Home Office has granted many people who have sought asylum here Discretionary Leave to Remain [DLR] for 30 months instead of Refugee Leave, where they accept there are compelling reasons to allow them to remain here. These people then have to make repeated applications for Further Leave to Remain until ten years have passed in order to stay legally in the UK. They must then apply for Indefinite Leave to Remain [ILR], and one year later they can apply for British Citizenship – a series of five applications any of which could be refused, all incurring exorbitant fees compared to the actual cost of processing the application.

QARN believes that the extreme financial pressure applied to people who have very limited choices and who have originally applied for asylum is another symptom of the racist and hostile environment created in the UK; that it is immoral, and that this must stop.

People have no choice about entering this process as their legal existence here depends on being granted Further Leave to Remain, and they have no other safe option. Many therefore also pay a solicitor, for which there is no legal aid, and have little option other than to take out loans to finance this process.

In addition to the psychologically damaging cost of being subjected to at least 12 years of instability, the experience of having to find the huge sums of money to pay these fees is a heavy and unacceptable toll on already vulnerable people.

Facts and figures

These applications for Further Leave to Remain used to be free. In 2015 the Home Office introduced a fee. At that time they made a commitment to self-fund the wider immigration system. These fees have risen steeply and now far exceed the costs incurred for each application.

The published Home Office figures demonstrate, for example, that in 2020, administration costs in relation to an application for Further Leave to Remain [FLR] would be £142 but the fee for the application is £1,033; Indefinite Leave to Remain [ILR] costs the Home Office £243 but the application fee is £2,389; child applications for British Citizenship cost the Home Office £375 but the fee is £1,012, and £1,126 for an adult. There is an additional Health surcharge of £400 per year per application, increasing to £624 per year from October 2020 for all surcharge-liable non-EEA migrants and £470 for their dependents, expanding to include EEA migrants from January 2021. (These increases of 64% and 17.5% were announced in the budget on 11th March 2020).

The rules in 2020 require that further applications for Leave to Remain must be made after 2.5 years, 5 years and 7.5 years until 10 years has been completed in this system. Including the health surcharge, these applications currently cost each applicant £2,059 each time and will increase to £2,619 from October 2020. Campaigners in the sector have warned that this will price people out of citizenship and regularising their status, leading to an increase in the undocumented population. After 10 years people must pay for Indefinite Leave to Remain [ILR], and a year later they can apply to become a British Citizen. If a mistake is made in the application then the fee is not necessarily returned.

There is no legal aid for renewals, and whilst an application can be made for the fee to be waived if the applicant demonstrates that they will otherwise become destitute, solicitors face the dilemma that they cannot apply for a fee waiver without charging an extra fee themselves. And there is no guarantee of success.

What needs to change?

People in this vulnerable situation should not be financially subsidising the system. If a fee must be charged it should reflect only the costs of processing the application. This could be recovered once the applicant has Indefinite Leave to Remain and is earning a decent wage.

The system of requiring people to make these repeated applications over a ten year period is relatively recent and causes unnecessary emotional suffering. The system needs to be simplified, and the process to reach Indefinite Leave to Remain should take 5 years, in line with Refugee Leave.

What can we do?

- ❖ Write to your MP about the injustice of charging such high fees. Highlight the failure of the government to implement the Supreme Court ruling in December 2019 that profit at the expense of children is unlawful.
- ❖ Organise an information/awareness-raising event to focus on the scale of the money involved, and the fact that the Home Office makes £millions on immigration cases, profiting from those in vulnerable circumstances who have no alternative.
- ❖ Work with other organisations to help those in your community who are struggling.
- ❖ Link with other organisations challenging this system, for example Migrant Voice, Joint Public Issues Team, Scottish Faiths Action for Refugees, Coram.
- ❖ Our website will signpost you to others working in this field here:
<http://www.qarn.org.uk/homepage/vulnerable-people-paying-for-immigration-system/>

Quaker Asylum and Refugee Network (QARN)
c/o Leicester Quaker Meeting House, 16 Queens Rd, Leicester LE2 1WP
Website: <http://qarn.org.uk>
E-mail: info@qarn.org.uk

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