EXPLANATORY MEMORANDUM TO

THE IMMIGRATION AND NATIONALITY (FEES) REGULATIONS 2011

2011 No. [XXXX]

1. This explanatory memorandum has been prepared by the UK Border Agency of the Home Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 These regulations set the fees for some of the applications, processes and services for which the Secretary of State has provided for in the Immigration and Nationality (Fees) Order 2011. The Order sets out the applications and services in connection with immigration and nationality for which a fee is to be charged. It revoked and replaced the Immigration and Nationality (Fees) Order 2007 (S.I. 2007/807), as amended by the Immigration and Nationality (Fees) (Amendment) Order 2008 (S.I. 2008/166), as amended by the Immigration and Nationality (Fees) (Amendment) Order 2009 (S.I. 2009/420), known as the "Fees Order 2007".

2.2 These regulations also set out the consequences of failing to pay the specified fees.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The fees specified in these regulations are in respect of those matters specified in the Fees Order 2011, where:

a) the fee is set at an amount above the administrative cost of making the application, in reliance on section 42(1) (as amended by section 20 of the UK Borders Act 2007 ('the 2007 Act')) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 ('the 2004 Act'); or

b) the fee contains an element of cross subsidisation of other applications which are to be charged below the administrative cost, in reliance on section 42(2A) (as inserted by section 20 of the 2007 Act) of the 2004 Act.

3.2 These regulations also set fees for certain consular services relating to immigration and nationality, previously dealt with in the Consular Fees Order 2010, made under section 1 of the Consular Fees Act 1980 now specified in the Fees Order 2011.

3.3 These regulations specify fees above the administrative cost of an application, process or service in line with the Government's charging model. By charging

above the administrative costs of the service on the application types referred to in this instrument, the Home Office is able to set fees for other application types at or below cost recovery to support wider Government objectives, particularly where we believe that a cost recovery fee would be so high as to damage international competitiveness in that particular area.

3.4 Fees for the matters specified in the Fees Order 2011 which are charged at or below the administrative cost of processing are set separately, in regulations subject to the negative resolution procedure.

4. Legislative Context

4.1 Section 51(3) of the Immigration, Asylum and Nationality Act 2006 provides that where an Order under that section provides for a fee to be charged, regulations made by the Secretary of State shall specify the amount of the fee.

4.2 Section 42(1) of the 2004 Act enables the Secretary of State, when prescribing a fee under section 51 of the 2006 Act, to prescribe an amount which is intended to:

a) exceed the administrative costs of determining the application or undertaking the process and;

b) reflect benefits that the Secretary of State thinks are likely to accrue to the person who makes the application, to whom the application relates or by, or for whom the process is undertaken, if the application is successful or the process is completed.

4.3 Section 42(2A) of the 2004 Act enables the Secretary of State to cross subsidise between applications made for entry clearance, leave to remain, transit visas, certificates of entitlement to the right of abode in the UK, letters which confer status of the migrant in the UK, or other claims, services, application processes set out in an Order made under section 51 of the 2006 Act.

4.4 Section 51(3) of the 2006 Act enables the Secretary of State to, amongst other things, provide for exceptions and make provision about the consequences of failure to pay a fee. Section 52(3) also enables the Secretary of State, to make different provision for different cases or circumstances.

4.5 By virtue of section 42(7) of the 2004 Act, a draft of these Regulations must be laid before and approved by resolution of each house of Parliament.

4.6 The Secretary of State has, in prescribing fees for the applications covered by these regulations, in reliance on section 42(1) of the 2004 Act, prescribed an amount intended to exceed the normal administrative costs of determining an application and reflect the benefits that he thinks may accrue to the applicant or the person to whom the application relates, if the application is successful.

4.7 In prescribing the fees for leave to remain, entry clearance, sponsorship licences and certificates of sponsorship, the Secretary of State has, in reliance

on section 42(2A) of the 2004 Act (which was inserted as of 31 January 2008 by section 20 of the 2007 Act), prescribed an amount that is intended to cross subsidise the fees that are set at levels below the administrative cost of such applications:

a) in the case of leave to remain applications, other applications for entry clearance or for leave to remain;
b) in the case of entry clearance applications, other applications for entry clearance or for leave to remain;

c) in the case of sponsorship licences, other applications for sponsorship licences, certificates of sponsorship or confirmation of acceptance for studies;

d) in the case of Tier 2 certificates of sponsorship, other applications for certificates of sponsorship or confirmation of acceptance for studies and sponsorship licences.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The Minister of State for Borders and Immigration, Damian Green MP has made the following statement regarding Human Rights:

"In my view the provisions of the Immigration and Nationality Fees Regulations 2011 are compatible with the European Convention on Human Rights."

7. Policy background

What we are doing and why:

7.1 The fees contained in these regulations are set above the administrative cost of providing the application, process or service in line with the Government's flexible charging model. By charging above the administrative cost of delivery on the application types referred to in this instrument, the UK Border Agency is able to generate sufficient revenue to secure the border and control migration for the benefit of the UK. This enables us to fund the necessary improvements to the immigration service, and also to set fees for certain application types below cost recovery in support of wider Government objectives.

7.2 Our overall aim is to ensure our fees make an appropriate contribution to the end-to-end costs of the immigration system in terms of the price paid for considering an application with respect to the interests of the UK taxpayer, who will continue to support the immigration system that brings benefits and

enrichment to this country. Our method of fee setting will continue to help to protect certain routes from significant increases and will contribute to the additional revenue needed to fund enforcement and other necessary improvements to the immigration system.

7.3 Fees are set over costs to reflect the value of the product in terms of the benefits that the Secretary of State thinks are likely to accrue to the applicant if they are successful or the process completed. Each route brings a different set of rights and entitlements to a successful applicant. For example, some routes give a successful applicant an entitlement to access the UK labour market without the need for a sponsor, an option to apply for settlement, the ability to bring in dependants who can also work without restriction, have access to benefits etc. Other routes do not bring the same entitlements to applicants (no route to settlement, can't bring dependants, sponsor required etc.) and are priced accordingly. We set fees higher for certain routes in this way to allow us to set a lower fee in others considered to be the most economically sensitive routes (visitors, workers, employers, universities' direct costs).

7.4 We have also published indicative unit costs for each application for the financial year 2011/12. The unit cost is the estimated average cost to UK Border Agency of processing each application. We have provided these costs to Parliament to ensure transparency. Although our unit costs are not fixed over the course of the financial year, publishing unit costs in this way will enable applicants to see which fees we set over cost and by how much, and which fees are set under cost and by how much. Full details are available at http://www.ukba.homeoffice.gsi.gov.uk/.

7.5 The tables below set out the current fee levels and the new proposed fees, for products that are set above cost, by these regulations:

VISA FEES

PRODUCTS	2010/11 Fees (£)	Estimated Unit Cost for 11/12	Proposed Fee for 11/12
Non PBS Visas			
Long term visit visa (up to 2 years)	245	140	265
Long term visit visa (up to 5 years)	450	140	486
Long term visit visa (up to 10 years)	650	140	702
Settlement visa	750	391	810
Settlement Visa - Dependant Relative	1,680	458	1,814
Other visa	245	163	265
PBS Visas			
Tier 1 (Entrepreneur, Investor, Exceptional Talent) - Main applicant	750	432	800
Tier 1 (Entrepreneur, Investor, Exceptional Talent) - Dependants	750	432	800
Tier 1 CESC - Main applicant	700	432	720
Tier 1 - CESC Dependants	700	432	800
Tier 1 Post Study – Main applicant	344	459	474
Tier 1 Post Study – Dependants	344	459	474

Tier 2 General, Sport & MOR - Main app	350	250	400
Tier 2 General, Sport & MOR Dependants	350	250	400
Tier 2 ICT <12 months– Main app & Dep	NEW	227	350
Tier 2 ICT < 12 months- CESC Main app	NEW	227	315
Tier 2 CESC – Main applicant	300	250	360
Tier 2 CESC – Dependants	300	250	400
Applications to the Channel Islands under Employment and Study routes attract Tier 2 & Tier 4 fees and costs respectively.			

IN UK – Leave to Remain and Nationality Fees

PRODUCTS	2010/11 fees (£)	Estimated unit cost for 2011/12	Proposed fees for 2011/12	Dependants fee
NON PBS ROUTES - Migrants in UK				
ILR Postal Main applicant	900	243	972	486
ILR Postal CESC	850	243	875	486
ILR PEO Main applicant	1,250	243	1,350	675
ILR PEO CESC Main applicant	1,100	243	1,215	675
ILR Dependant Relative Postal	1,680	299	1,814	N/A
ILR Dependant Relative PEO	2,050	299	2,214	N/A
LTR Non Student Postal Main applicant	500	418	550	*
LTR Non Student PEO Main applicant	800	419	850	425
Transfer of conditions PEO Main app	600	219	648	324
Mobile case working (Premium)	15,000	2,211	6,000 + PEO fee	N/A
Residual FLR IED Postal Main applicant	500	246	550	275
Residual FLR IED PEO Main applicant	800	148	850	425
Residual FLR BUS Postal Main applicant	850	148	1,000	500
Employment LTR outside PBS Postal	500	362	550	*
Employment LTR outside PBS PEO	800	303	850	425
Additional out of hours case working**– PEO Main applicant	NEW	n/k	300	150
EEA applications at PEO (per person)	NEW	n/k	300	n/a
Nationality applications - Migrants in UK				
Naturalisation Single ***	700	238	756	N/A
Naturalisation Joint ***	850	319	1,134	N/A
Naturalisation Spouse ***	700	238	756	N/A
Nationality Registration Adult ***	500	238	540	N/A
Nationality Registration Minor	500	238	540	N/A
Nationality Registration Multiple Minor	600	319	810	270
Nationality Right of Abode	150	150	162	N/A
* These dependant fees are below cost and are set separately, in regulations subject to the negative resolution procedure **Out of hours case working fee payable in addition to standard PEO fee *** *Additional £80 per applicant is payable to cover the ceremony fee.*				

PBS routes – Migrants in UK

PRODUCTS	2010/11 fees (£)	Estimated unit cost for 2011/12	Proposed fees for 2011/12	Dependants fee

PBS ROUTES – Migrants in UK				
Tier 1 Postal Main applicant	850	269	1,000	500
Tier 1 Postal CESC Main applicant	770	269	900	500
Tier 1 PEO Main applicant	1,150	253	1,300	650
Tier 1 PEO CESC Main applicant	1,000	253	1,170	650
Tier 1 (Post study) Postal Main applicant	550	337	594	*
Tier 1 (Post study) PEO Main applicant	850	337	918	459
Tier 1 Transition Postal Main	500	n/k	500	250
Tier 1 Transition PEO Main	700	n/k	700	350
Tier 2 Postal Main applicant	500	169	550	275
Tier 2 Postal CESC Main applicant	450	155	495	275
Tier 2 PEO Main applicant	800	169	850	425
Tier 2 PEO CESC Main applicant	700	169	765	425
Tier 2 - Postal Main (ICT <12 months)	NEW	169	350	175
Tier 2 - PEO Main (ICT <12 months)	NEW	169	650	325
Tier 2 - Postal CESC Main (ICT<12 mths)	NEW	155	315	175
Tier 2 – PEO CESC Main (ICT <12 mths)	NEW	169	585	325
Tier 4 Postal Main applicant	357	316	386	*
Tier 4 PEO Main applicant	650	316	702	351
Tier 5 PEO Main applicant	600	240	648	324
Tier 5 PEO CESC Main applicant	550	240	583	324
PBS Dependants applying separately - Postal	500	418	550	N/A
PBS Dependants applying separately - PEO	800	419	850	N/A
*These dependant fees are below cost and are set separately, in regulations subject to the negative resolution procedure.				

PBS Sponsorship Products

PRODUCTS	2011/12 Fees (£)	Estimated Unit Cost for 11/12	Proposed 11/12 fees (£)
Tier 2 Large Sponsor Licence	1,000	1,007	1,025
Tier 2 Certificate of Sponsorship	170	172	175

7.6. The following paragraphs explain where we have set fees above cost, by these regulations.

Long term visit/Other visas

7.7 Long term visit visas are issued to frequent travellers, and entitle the applicant to visit the UK as often as they like over the two, five or ten year period granted, staying for a maximum of six months on any single visit. Applicants benefit from the convenience of not having to make multiple visa applications, each requiring their biometrics to be taken.

7.8 We believe this route continues to offer excellent value to the customer. We believe that fees of £265 / £486 / £702 better reflect that value.

7.9 The ‘Other’ visa category includes dependants of applicants who entered under old employment visas such as business visitors, and parents of an European Economic Area (EEA) national child. The ‘Other’ visa fee still compares well to other visa routes. We propose an increase from £245 to £265 to better reflect the value of this route to successful applicants.

Settlement applications

7.10 We propose an increase to family settlement visa fee from £750 to £810. This better reflects the value of a route to permanent settlement under this category of visa. In addition, some applicants need not apply for further temporary leave to remain in the UK before settlement. This fee will also align better with fees we charge on economic routes, where applicants pay separately for a visa and any further leave to remain in the UK.

7.11 Also within this category is the Dependant Relative settlement visa. This category allows parents, grandparents, and certain other dependant relatives to join family members settled in the UK. This is a relatively small group of people who receive an extremely good package of benefits (i.e. indefinite leave to enter, exemption from English language requirements etc.). We have set the fees for this visa at £1,814 up from £1,680 to reflect the significant benefits associated with this route.

Tier 1 and Tier 2 applications

7.12 Tier 1 applications are from migrants who are highly skilled and do not require a sponsor under PBS. They are not required to have a confirmed job from a registered UK employer and they have unlimited access to the labour market. This category includes migrants under the new exceptionally talented scheme which will be introduced on 6 April 2011 as part of the changes to migration policy.

7.13 For Tier 1 visas, we propose a fee of £800 up from £750 for overseas applications and for in UK applications, a fee of £1,000 up from £850. We have set a higher than 8% increase for in UK applications because economic migrants under this route obtain a particularly good set of entitlements. We believe this justifies the higher fee. Dependants of applicants under this route also get unrestricted access to the UK labour market.

7.14 Tier 2 migrants are sponsored skilled workers who come to the UK to work for a named sponsor. This category allows people coming to the UK with a skilled job offer to fill a gap in the workforce a settled worker cannot fill. Migrants under this route obtain a good set of entitlements also. They can work in the UK for an employer who has sponsored them, and their dependants have unrestricted access to the labour market.

7.15 For Tier 2, we propose increasing the fee from £350 to £400 for overseas applications and the fee for an in UK application from £500 to £550. We have also introduced a new lower fee of £350 for Tier 2 ICTs entering the UK and remaining for less than 12 months. These new fees better reflect the value of the entitlements that applicants benefit from.

7.16 A fee waiver is being introduced for Tier 2 migrants who were had leave to remain under the work permit scheme when Tier 2 of the Points Based System was introduced, which replaced that scheme. Migrants in this position were given leave to remain under Tier 2 of the Points Based System. These migrants will not have to pay a fee to extend their leave to remain under Tier 2 if they meet all of the following criteria:- i) they applied for, and were granted, Tier 2 leave through the transitional arrangements in place for former work permit holders and other former categories; ii) their current Tier 2 leave is due to expire before they have had five years continuous leave in any combination of these categories; iii) their employer wishes them to continue working in the same job and for the same employer that their current Tier 2 leave was granted for; and iv) their last grant of Tier 2 leave must have been granted for the maximum length of three years.

Tier 4 applications

7.17 Tier 4 applications allow a migrant to embark on a course of study in the UK, or continue to study in the UK with a licensed sponsor on the register of approved sponsors.

7.18 We propose an increase to the fees for Tier 4 in the UK to £386 up from £357. This is in line with our policy to set fees fairly across all routes at a level that reflects the real value of a successful application to those who use this service. We think that spreading the fee increases equally where possible is the right way to achieve this.

7.19 We do not want application fees to deter prospective students from studying in the UK. We consider visa application fees paid by students to be of marginal consideration (less than 1%) when set against the broader costs they will encounter should they choose to come to the UK to study – including the tuition fees, which are on average £10,000 per foreign student per year in Higher Education and living costs.

Nationality applications

7.20 Nationality applications are for migrants who want to become British Nationals. The fees we charge for these applications are set at levels above normal cost recovery to reflect the entitlements and benefits to applicants. For example, successful applicants under this route have the ability to apply for a British passport that provides them with free movement rights within the European Economic Area (EEA) and allows them to live and work in any part of the European Union EU). We propose increasing the fee for Nationality applications by approximately 8% to help spread the overall burden of fee increases across all routes. We propose a new fee of £756 up from £700 for single applicants and a fee of £1,134 up from £850 for joint applicants.

7.21 In addition, we are introducing a fee of £540 to process requests for British citizenship for children who are born outside the UK to a foreign or Commonwealth parent who is serving outside of the UK as a member of the Armed Forces at the time of the birth. We have set the same fee for requests

for British citizenship for children born in the United Kingdom to a foreign or Commonwealth parent after 13 January 2010, if the parent joins the armed forces after the child's birth. Both these new routes will give children the option to register their nationality as British. We have aligned the fee to the registration fee paid by other minors.

7.22 We are also introducing a fee to determine applications for registration and renunciation of the British Protected Person status. This applies to people connected with a former British protectorate or protected state who did not acquire the citizenship of the territory concerned when British protection ceased. They do not have the right of abode in the UK. This service is new to the UK Border Agency and was previously provided by the Foreign and Commonwealth Office. We are introducing for a fee for this service which is in line with what we charge for other types of nationality applications.

Dependants applying to extend their leave in the UK

7.23 We are increasing the fee paid by dependants for applications made in the UK to 50% of the main applicant's fee. Prior to April 2010, we processed these applications free of charge if they were submitted at the same time as the main application. In April 2010, we introduced a nominal dependant's fee of 10% of the main applicant fee and subsequently increased this to around 25%. We aim to reconcile our UK-based application fee structure with those we apply for visas, where individuals applying from overseas (including dependants) each pay a separate fee.

7.24 We believe this is the right model because each application bears an additional processing cost to us and may confer successful applicant with an independent set of rights and entitlements. This new fee of 50% helps us further move towards the same fees model we apply overseas in a phased way. We will monitor volumes to manage this transition carefully.

Indefinite & limited leave applications

7.25 Leave to remain is permission to stay in the UK either temporarily (known as limited leave to remain) or permanently (known as indefinite leave to remain). We set fees for these applications at levels above normal cost recovery, to reflect the entitlements and benefits granted to an applicant on a successful application.

7.26 Indefinite leave to remain (ILR) applications are for migrants currently in one of the eligible immigration categories (like Tier 1, or Tier 2 for example) who have been living in the UK in that category for five years. This differs from Nationality applications, which may apply to those who apply for British Nationality. Limited leave applications cover various categories for example, residual cohorts of work permit leave applications (migrants working in the UK before the Points Based System was introduced) and applications for employment outside the Points Based System.

7.27 Migrants under the indefinite leave to remain category obtain more valuable entitlements. They have unrestricted access to the UK labour market and can remain in the UK permanently without the need to make any further applications. To reflect these benefits, we propose increasing the fee for ILR to £972 up from £900. We have increased fees for limited leave to remain fees (LTR) to £550 up from £500 to bring these fees in line with the fees for Tier 2 applications which have similar benefits.

Applications made at a Public Enquiry Office of the UK Border Agency

7.28 We propose an increase to the fees for applications made in person at a Public Enquiry Office in the UK. We believe the increases reflect the added benefit customers receive from this optional service, that enables them to get a quicker decision than if they applied by post. The proposal is in line with our strategic approach to help spread the overall burden of fee increases across all routes.

European Economic Area (EEA) Public Enquiry Office facility

7.29 We are extending the facility for an applicant to attend a Public Enquiry Office by appointment for EEA applications. We have set the fee for this service at £300 to reflect the fee charged for appointment at a Public Enquiry Office for other routes. This is an optional service and is introduced to offer more choice to the applicant. EEA applicants will continue to be able to make postal applications free of charge.

Additional out of hours case working service

7.30 We propose introducing a new premium rate service charge in excess of the standard Public Enquiry Office service to process applications out of usual office hours.

Council of Europe Social Charter fee reductions

7.31 We have maintained reduced fees for nationals of countries that have ratified the Council of Europe Social Charter 1961 (the CESC), for applications for leave to remain in the UK under work routes. These reduced fees will apply to nationals of Croatia, the Former Yugoslav Republic of Macedonia, and Turkey.

7.32 We have used this opportunity to correct an anomaly where we were offering fee exemptions for Tier 2 Certificate of Sponsorship to Council of Europe Revised Social Charter countries (CRESC) as well as the CESC countries and now limited this exemption to one the CESC countries.

Fees for sponsorship under the Points Based System

7.33 In line with our approach to set fee levels flexibly, we have taken into account the needs of UK businesses at the present time. We have kept rises in sponsor fees under the Points Based System in line with inflation. We propose a new fee of £1,025 up from £1,000 for a sponsorship licence and a fee of £175 to process Tier 2 Certificate of Sponsorship applications. In addition, fees concessions for small businesses and charities who sponsor migrants have

been kept at or below administrative cost in regulations subject to the negative resolution procedure. This is in recognition of the importance of keeping direct costs to sponsors under the Points Based System as low as possible, particularly in the current economic climate.

Mobile case-working Service Premium

7.34 We piloted this bespoke service from April 2010 at a fee of £15,000 for each application processes using our mobile case-working facilities. This service is an optional service provided at a location determined by the customer (e.g. their home, or workplace). Based on feedback received, we are revising the fee to £6,000, plus the relevant Public Enquiry Office fee (dependent upon the type of application being made). This is in line with responses to our consultation that supported the development of optional premium services. We will limit this facility to ten customers per visit.

Consular fees

7.35 The Fees Order 2011 enabled UK Border Agency to move fees for certain consular services relating to immigration and nationality from the Consular Fees Order 2010 with the aim of simplifying legislation. Those fees which are set above administrative cost are included in these Regulations. Once these Regulations come into force these fees will removed from the CFO Order to avoid duplication. The UK's numerous posts overseas enable us to provide services on behalf of any of the Crown Dependencies such as the Isle of Man and Channel Isles, and certain Commonwealth or British Overseas Territories. These services include the processing of visa applications or the forwarding of documents.

- **Consolidation**

7.36 These Regulations revoke and replace the Immigration and Nationality (Fees) Regulations 2010 (S.I. 2010/2807) to improve their legibility for all stakeholders, customers, practitioners and officials.

8. Consultation outcome

8.1 We published a full public consultation on Charging for Immigration and Visa Applications between 1 September and 1 December 2009. Over 90% of respondents agreed that UK Border Agency should continue to set fees flexibly by taking into account wider policy objectives, such as attracting specific groups of migrants that are beneficial to the UK. We published the formal Government response to the consultation on 14 January 2010 on the UK Border Agency website at http://webarchive.nationalarchives.gov.uk/20100422120657/http:/www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/charging09/.

8.2 Other consultation exercises on fees and charging have taken place. A targeted consultation exercise on fees and charges to support the Points Based System and for biometric identity documents was held from 24 October to 9 November 2007. We consulted key stakeholders, based around – but not limited to – the membership of the UK Border Agency's existing stakeholder taskforces which include representative bodies and umbrella organisations.

UK Border Agency used feedback from this exercise to set fees for the new services first provided to migrants and sponsors under the Points Based System in 2008.

8.3 We conducted a full public consultation exercise on charging for immigration and nationality applications between 30 October and 22 December 2006, supported by the publication of a *consultation on a new charging regime for immigration & nationality fees*. The formal Government response to that consultation was published on 7 March 2007, and is available on the UK Border Agency website at: http://webarchive.nationalarchives.gov.uk/20100422120657/http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/newchargingregime/

8.4 This consultation established the principle that the UK Border Agency should operate a flexible pricing approach to setting fees for immigration services. This allows fees to be set taking into account the need to maintain the UK's international competitiveness. But also to ensure that the immigration system overall can generate sufficient level of revenue from income for services provided (alongside the costs met by the UK tax payer) to fund necessary improvements. The majority of respondents to the consultation agreed we should set fees flexibly to take into account wider policy objectives and that new fees should reflect a range of factors, not only those of value to the migrant.

9. Guidance

9.1 We will announce details of the new fee levels and their commencement dates to Parliament in a Written Ministerial Statement. Full details of each fee and guidance to general members of the public on how to apply under each route will be available on the UK Border Agency website in due course.

10. Impact

10.1 A full impact assessment is attached at Annex A to this Explanatory Memorandum and will also be published at www.ukba.homeoffice.gov.uk.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 We will closely monitor the impact of fees for the application and services contained in these Regulations. We review fees and charges for Immigration and Nationality applications annually. UK Border Agency monitors application trends on a monthly basis. The cross-Whitehall fees committee monitor analysis of application trends to ensure that fee levels generate

sufficient revenue to cover UK Border Agency delivery costs but do not adversely impact on the UK economy.

13. Contact

13.1 Shola Akinyamoju at the Charging Programme of the UK Border Agency, Tel: 0208 760 2716 or email: Shola.Akinyamoju@homeoffice.gsi.gov.uk who can answer any queries regarding the instrument.