EXPLANATORY MEMORANDUM TO

THE GLOBAL ENTRY SCHEME (SCREENING PROCESS) (FEES) REGULATIONS 2015

2015 No. 802

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

2. Purpose of the Instrument

2.1 These regulations enable the Home Office to charge a fee for conducting suitability checks in relation to British nationals wishing to apply for membership of the Global Entry Scheme.

2.2 The Global Entry Scheme is a scheme operated by the US government, enabling members to move more quickly through US immigration control.

2.3 The checks will be conducted at the request of the applicant, and the fee is set at cost recovery level.

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

3.1 None.

4. Legislative context

4.1 Usually, fees for Border Force products are levied under the fees powers contained in the Immigration Act 2014, or the Immigration and Asylum Act 1999. However, it is not possible to levy the fee in respect of the Global Entry scheme under those powers, because the service in question is concerned with immigration into the US, rather than the UK. Accordingly, these Regulations are made pursuant to section 56(1) and (2) of the Finance Act 1973, which allows a Government department to charge a fee when providing services in pursuance of an international agreement or arrangement. Here, the relevant arrangement is that between the Home Office and the equivalent department of the US Government, by which Border Force agrees to perform the suitability checks.

5. Territorial Extent and Application

5.1 This instrument extends to the United Kingdom.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 Border Force has been requested by the USA government to fulfil the first stage of vetting for UK nationals wishing to join the USA Global Entry scheme. These checks will be repeated throughout the life of the person's membership of the scheme.

7.2 UK travellers who successfully enrol on the Global Entry scheme time will save time as they will be able to clear US immigration far more quickly.

8. Consultation outcome

8.1 No formal consultation has been carried out as the service to be provided is associated with a premium discretionary scheme, which is operated by and on behalf of the United States government.

9. Guidance

9.1 No guidance is required.

10. Impact

10.1 The direct impact on business, charities or voluntary bodies is none.

10.2 The impact on the public sector is none.

10.3 Accordingly, an impact assessment has not been prepared for this Instrument.

11. Regulating small businesses

11.1 This legislation does not apply to small businesses.

12. Monitoring and review

12.1 Income and expenditure, and fee levels, will be reviewed annually.

13. Contact

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