

Fees and charging: Immigration and visas

GuildHE response to Home Office Consultation, December 2013

1. This response is submitted on behalf of GuildHE, one of the two formal representative bodies for Higher Education in the UK. It is a Company Limited by Guarantee and a Charity. It was founded in 1967 as the Standing Conference of Principals, registered as a company in 1992 and became GuildHE in 2006. GuildHE has 38 members/associate members. These include publicly funded higher education providers, a smaller number of private providers of higher education plus some further education colleges offering higher education programmes.

2. The current Chair of GuildHE is Professor Joy Carter, Vice Chancellor of the University of Winchester. The Chief Executive Officer is Andy Westwood. Further information about GuildHE is at: <http://guildhe.ac.uk/>

3. GuildHE member institutions have interests in the issues raised in the consultation both as employers of staff and as bodies recruiting students to degree and other education programmes, both from the UK and the EU/EEA and from outside the EU/EEA. The points we would wish to raise in our response to the consultation are as set out below.

i) We welcome in principle the recognition that a flexible approach is needed when setting fee levels so as to take into account factors such as the need to promote economic growth and to ensure that the cost of visas remains competitive with other countries. In this context, we note that international students and the internationally mobile staff recruited to our universities and colleges contribute very substantially to the UK economy as a whole. The Government's interests in growth in this area and some of the supporting evidence on the value of international activity are set out in its *International Education Strategy: Global Growth and Prosperity* (see: <https://www.gov.uk/government/publications/international-education-strategy-global-growth-and-prosperity>). In that document, the Government set out its aim to support the higher education sector in increasing UK overseas higher education student numbers by 15 – 20% over the next 5 years in a rapidly expanding and very competitive global market. Our concern is that proposals designed to generate more income from immigration services could serve to deter international students and staff and, ultimately, lead to reductions in income in these areas for the Government while inflicting serious damage both on the higher education sector and on the wider economy.

ii) In looking at the fees paid by individual applicants under Tier 4 in particular, it is difficult to see why they should be set anywhere above cost recovery level. Students paying a fee to enter the country under Tier 4 will be paying for their tuition costs and paying for their living costs while here with only limited access to work opportunities. For the higher education institutions sponsoring the students, recent work undertaken by the Higher Education Better Regulation Group on financial costs for UK higher education providers of compliance with Tier 4 immigration controls has highlighted the additional costs of compliance activity, over and above the direct costs incurred in remaining on the sponsors register and in issuing the certificate of acceptance for study. (See:

[http://www.hebetterregulation.ac.uk/NewsEventsPublications/Publications/Pages/CostandBenefitAnalysisProjectonTier4ImmigrationRegulation\(July2013\).aspx](http://www.hebetterregulation.ac.uk/NewsEventsPublications/Publications/Pages/CostandBenefitAnalysisProjectonTier4ImmigrationRegulation(July2013).aspx))

iii) For students and sponsors, it will be important to look at the totality of fees paid, i.e. not just the visa application fee but the costs (which may include travel) of applying for biometric details and, potentially, subject to the provisions of the new Immigration Bill, additional costs for the right to access health services and other such costs.

iv) From the perspective of applicants, we feel it is important to ensure that, as far as possible; there is internal consistency in the various areas of activity. We would suggest that is probably more important than ensuring consistency across different Tiers or different areas of activity. People need to be able to understand the fees they will be expected to pay and the basis on which the fees are calculated. It is difficult to explain or justify the situation that arises when those applying in country, for example for leave to remain, are charged more than those applying from out of the country under the same Tier. The suspicion that arises is that advantage is being taken of those who have already committed time and resources to being in the country up to that point while preferential treatment is being given to those who still have a choice over their next steps.

v) Likewise, from the perspective of applicants, we would suggest that a series of increases in fees introduced in quick succession, or high fees charged, for example, for an application to extend a period of study can seem exploitative and unreasonable. This is a particular concern when the consultation document suggests that the proposed new framework for fees is intended to enable new or amended fees to be introduced more quickly. While students who are already midway through a programme may have little choice but to pay if they need for any reason to extend their study, it is important not to underestimate the extent to which word may be passed back to other potential applicants in their home country who may thus be encouraged to look elsewhere.

vi) In terms of premium services or priority services, our view would be that whatever approach is adopted elsewhere, this kind of approach is unlikely to be appropriate in dealing with applications under Tier 4. We would hope that all Tier 4 applicants could be confident of a good and professional level of service as standard. The same arguments would apply in the case of enhanced services that might be offered at the border.

vii) In terms of third party organisations, we are not clear how the proposals put forward in the consultation paper might work in practice. In principle we feel that there could be difficulties in seeking to derive income from advice and support provided to third parties so as to ensure compliance with Home Office standards. We also feel it important to be aware of the extent to which any costs imposed on such organisations are likely to be passed onto service users.

viii) In respect of refunds or administration fees, we would suggest that if the Home Office were to seek to levy an administration fee for withdrawn or rejected applications, it would be important to ensure basic standards of fairness are met. It would seem unreasonable for example to levy a fee for an application that is withdrawn within a fixed (relatively short) period of time. Likewise, precautions would need to be in place to safeguard applicants against rejections made by the Home Office in error. Currently there seems little scope for revisiting applications even when obvious (and sometimes relatively minor) errors are made by either applicants or those considering the application. Arrangements would need to be in place to enable this to be done with scope for appeals and complaints if necessary. If a charge levied for a rejected application in these circumstances is to be justified on the basis of work done to date, it may be that this could be combined with a reduction in the fee levied for a re-submitted application.

4. While we have not sought to answer the consultation questions individually, we would hope that these points will be seen as constructive and can be taken into account in the consideration of the next steps. We would be happy to discuss further if that would be helpful.

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