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## **Towards a political economy of charging regimes: fines and fees in UK immigration control**

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# Towards a political economy of charging regimes: fines and fees in UK immigration control



*The extraction of revenue is an integral component of UK immigration control. Drawing on new data, [Jon Burnett](#) and [Fidelis Chebe](#) examine the functions of charging regimes as a distinct form of statecraft that contributes to the political economy of financial power, with significant implications for understandings of criminalisation and immigration enforcement.*

In [December 2019](#), the High Court ruled that the £1,012 that children were being charged to acquire British citizenship was unlawful. With the government making some £640 profit on each application, the solicitor for two of the claimants condemned the charges as a means of '[shameless profiteering](#)'. What this case did was shed light on the murky world of charging regimes that over the last decade in particular have become increasingly integral to the operation of immigration control, and which are beginning to be subjected to public scrutiny.

Charging regimes and fines and fees have a long history in the UK, with the 1905 Aliens Act making those who had facilitated the entry of people who were later deported potentially liable for a financial penalty. But whilst they have operated in various guises for a considerable length of time, there have been significant attempts recently to both expand their financial value in existing forms and create new means through which they are enacted. In the process, they have become vital components of immigration enforcement, claims to secure immigration status, access to justice and access to services, with many of these things interweaving with one another.

This is exactly what we tried to investigate in our [research](#), using information from public accounts, annual reports and pre-existing research, as well as data released through the Freedom of Information Act 2000, with requests submitted in a six-month period between October 2018 and March 2019. Although not all of these FOI requests were successful, what this enabled, in the first instance, was a very rough estimate of the sums generated and levied for under the rubric of immigration control in the 2017-18 financial year (albeit with caveats), equating to a sum of around £1.754 billion.

Clearly this is a not insubstantial figure; and although some components rely on estimates (such as the NHS charges and fees, which were based in part on National Audit Office predictions published in 2016), and other charges are not included (such as the Immigration Skills charge, which it is assumed is included under UKVI fees), it at the very least provides an indication of the kinds of revenues generated from (or levied for) people subject to immigration control. However, this quantitative data is only one part of a much bigger story: it is a reflective of an immense form of economic power at the core of immigration control which operates, we suggest, as a distinct form of statecraft.

For instance, in line with HM Treasury's 'Managing Public Money' guide advocating for certain government departments to use charges to recoup costs, the [Home Office](#) has publicly committed to using users' fees to fund front-line border, immigration and citizenship operations. And if this is indicative of the market rationality built into some components of immigration control, it is in practice underpinned by a desire for profitability. Thus, fee-recovery targets have been set for UKVI applications which increased in almost every year over the last decade, to the point that in 2017-18 they sought to almost double the costs of their administration (with a target of 194%). Indeed, whilst the income to the Home Office for UKVI 'in-country' applications was £17.195 million *deficit* in 2019-10, it had increased to £375.170 million *surplus* in 2017-18, nine years later.

Among the reasons that this is so significant is that these profits are procured selectively, with the Home Office [suggesting](#) that 'the government aims to limit fee increases on the most economically beneficially sensitive routes in order to continue to attract those migrants and visitors whom add significant value to the UK economy'. Or to put this another way, they work in such a way that they levy especially punishing fees on those migrants who are not deemed 'economically beneficial', in order (in part) to contribute to fees 'set at below cost' for those who it is deemed *are*. That is, they operate from one perspective as an extension of the managed migration policy framework enacted by New Labour in the 2000s, and which has been championed in ever-new ways by each variation of Conservative-led government since, that seeks to cherry-pick migrants according to desirability and allocate rights accordingly. At the same time, charging regimes have intensified within the NHS (particularly in England), with regard to legal aid and have become increasingly integral to immigration enforcement. And in the process, we argue that a *political economy of charging regimes* has been formulated in immigration control which manifests what sociologists Vickie Cooper and David Whyte have called '[institutional violence](#)'.

It is institutional violence, for example, when pregnant women and seriously ill people avoid medical care for fear of the NHS either turning them away or passing on their details to the Home Office, acting as a satellite of immigration control. It is institutional violence when people subject to immigration control die having been [refused treatment](#). And it is institutional violence when people subject to prohibitive fees – designed cynically to extract profit from those attempting to secure or regularise their immigration status – are left vulnerable to removal, denied access to services and in a quasi-legal limbo as a result of being unable to pay. Of course, there are caveats. There are fee-waivers in certain contexts, for certain charges. But in reality, these 'rights' are frequently not realised. Rather people are again and again caught up in a policy environment where charging regimes are at the frontline of a blurring of immigration enforcement with welfare delivery, and within which rights can become conditional on capital.

Little wonder then that there is increasing resistance, both external to and from within the spheres within which charging regimes have been embedded (such as within the NHS). From across a number of organisations and community groups, there has been a surging push-back against the inequities of charging regimes taking place both within the courtroom and through avenues outside of it. These struggles have led to certain citizenship fees being [frozen](#) (or declared unlawful), recognition by the courts that right to rent checks are [discriminatory](#), and have contributed to rendering the hostile (or 'compliant') environment ideologically vulnerable and in some contexts unworkable. The point here is not to suggest that the economic power that charging regimes exemplify is the driving force of immigration control, but to recognise its role within it. And despite being underpinned by claims of 'fairness' and cost-effectiveness, charging regimes are in many guises as cynical as they are harmful.

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Note: the above draws on the authors' [published work](#) in The British Journal of Criminology.

### About the Authors



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