



Kids in Need of Defense UK

Submission to the Independent Chief Inspector of Borders and Immigration relating to Home Office Processing of Applications for Fee Waivers

September 2024

Kids in Need of Defense UK welcomes the ICIBI's inspection of Home Office processing of fee waiver applications.

KIND UK is a pro bono legal advice project assisting low-income children, young people, and family members with applications for leave to remain and British citizenship. We are hosted at Central England Law Centre and are a collaboration of 5 UK charities and approximately 30 corporate law firms/legal departments, and we are affiliated with KIND in other countries.

Our legal teams have made many applications for fee waivers for the children and young people we assist, both for immigration applications and children's citizenship applications. Our available data (over approximately 5 years up to August 2024) shows that **104 of our fee waiver applications have been granted (40 relating to immigration applications; 64 relating to children's citizenship applications), and only 1 refused.**

Our solicitors take a thorough approach to evidencing eligibility for a fee waiver, which is time-consuming and burdensome for our solicitors and our clients, but this approach is required by Home Office guidance, and the stakes are high for our clients.

We are concerned that unrepresented applicants may be less likely to succeed with fee waiver applications, as they may not understand what evidence needs to be submitted.

We have observed several challenges relating to Home Office fee waiver applications, some of which are discussed in our [fee waiver guide](#) for children's citizenship applications.

Additional concerns raised by solicitors working with the KIND UK project on fee waiver applications include:

- 1) The fee waiver application form is not tailored for a child applicant, who does not have their own funds. Many of the questions on the application are not relevant for a child, so it is usually one of the parents (who is not the main applicant for the purposes of the application) who makes the fee waiver application on behalf of the child, but from the perspective of the child, and as a result it becomes very confusing. It would be helpful to have an application that is tailored for a parent responding on behalf of a child.
- 2) Many of our clients do not understand what evidence needs to be provided to show they cannot afford to pay a fee and would be unable to submit a well-evidenced fee waiver application without assistance.
- 3) Completing a fee waiver application is very stressful for the parents of the children we work with. Many of them live in poverty and instability, and some suffer from mental health



conditions, disability, and/or physical illness. Many have irregular income and/or use cash for many purchases, for various reasons, including, for example, a disabled parent withdrawing cash in larger amounts to avoid frequent trips to a cashpoint. Many of our clients also struggle to keep receipts and record expenses. The amount and complexity of personal information required for a fee waiver application is intrusive and burdensome for these families. Discussing the information that needs to be submitted in support of a fee waiver often leaves families embarrassed and worried about collating information.

- 4) In many cases, it is very clear that the families we assist cannot afford the fee, and they should be able to demonstrate this without going into the detail that the Home Office requires. Many of the families we work with receive welfare benefits or support, including Universal Credit or Section 17 support, and the government already has access to most or all the information that is needed to evidence eligibility for a fee waiver application. In many cases, it is abundantly clear from the fact the family are on benefits, some just about managing to eat two meals a day, that they are very close to destitution; yet additional, onerous information has to be obtained. In addition, obtaining certain financial records sometimes results in a cost to the client, which is hugely unfair in their circumstances.
- 5) Completing a fee waiver application can be very time consuming; the fee waiver application can increase the period for preparing a substantive application by 2 months or more, and the lack of transparency around timing for receiving fee waiver decisions places an undue burden on the families we assist. Whilst waiting for a response on a fee waiver application, families have to ensure that preparations for their substantive applications are maintained and in a position to be submitted with just 10 days' notice once a fee waiver is approved. The lack of certainty surrounding timing and the short 10-day notice period makes this process very stressful for families.
- 6) The format of the online system allows applicants to accidentally submit incomplete applications when trying to move between tabs in the online form. Further, the application is not easy to navigate – for example, it is not possible to click on the different tabs to move easily between them – instead, one must click “Next” and then work backwards.
- 7) The portal for submitting documents is flawed. On some occasions, the system will not accept some larger documents, but will accept others, with no apparent reason for not accepting some documents of the same size. If there were clear guidance on what document size the portal will accept, PDFs could be split up in advance if necessary.
- 8) There appears to be a lack of internal guidance for Home Office staff and published guidance does not cover all aspects of the fee waiver application process, especially for children's citizenship applications. Some of our solicitors have contacted the Home Office with questions about fee waiver applications, but have not gotten helpful responses.



KIND UK recommendations:

- 1) Applications for fee waivers by people who are in receipt of Universal Credit or local authority support for children in need (Section 17 of the Children Act England 1989, or similar legislation in different regions of the UK), or similar support, should be 'passportted', without the need for any further evidence other than documentation confirming their receipt of those benefits.
- 2) The amount of evidence required to prove eligibility for a fee waiver should be reduced for all applicants.
- 3) The application form should be improved, including, for example:
 - Application should be user-friendly and tailored for a parent responding on behalf of a child.
 - The online system should allow all documents to be submitted, or guidance should clearly specify what file size is permitted.
 - It should be possible to click on the different tabs to move between them freely, rather than having to click "Next" and then work backwards.
 - There should be a clear warning before submitting an application to ensure applications are not accidentally submitted before completion.
- 4) There should be flexibility in the deadline for submitting a substantive application after being granted a fee waiver, as more than 10 days is needed in some cases.
- 5) Home Office should improve its guidance for caseworkers and applicants to cover all relevant issues in accessible language.
- 6) Home Office should respond promptly and helpfully to queries about fee waiver applications.
- 7) Home Office should collect and publish statistical information relating to fee waiver applications, grants and refusals, and this should be disaggregated by age and other relevant factors, including whether the applicant was in receipt of Universal Credit or other benefits such as Section 17 support, and whether the applicant had a legal representative assisting them with the fee waiver application.

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