

**EXPLANATORY MEMORANDUM TO**  
**THE ACCESSION (IMMIGRATION AND WORKER**  
**REGISTRATION)(AMENDMENT) REGULATIONS 2007**

**2007 No. 928**

- 1.** This explanatory memorandum has been prepared by 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. Description**

2.1 These Regulations increase the fee that has to accompany an application for a registration certificate under the Accession State Worker Registration Scheme. Workers from the States that acceded to the European Union on 1 May 2004 (other than from Malta and Cyprus) are generally required to apply for a registration certificate if they begin working in the UK. The first time they register, the application has to be accompanied by a fee. These Regulations, which come into force on 2 April 2007, increase the fee from £70 to £90.

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

3.1 The current fee of £70 does not recover all of the direct costs and overheads associated with processing applications under the Worker Registration Scheme. The increased fee will still not recover all of these costs and is set at below cost recovery in line with the Government's new charging approach. The increased fee will continue to apply to first-registrations only. Applicants whose applications are refused or withdrawn will be refunded the fee in full.

3.2 These regulations will come into force on 2 April 2007 and the new £90 fee will apply to applications made on or after that date. This is not within the normal 21 day notification period of laying this instrument. The below cost recovery fee has been set as part of the Government's new charging approach and we felt it preferable to introduce these regulations at the same time as other regulations setting out fee levels under section 51 of the Immigration, Asylum and Nationality Act 2006 were made. We were unable to bring forward these other regulations until after the section 51 order had been debated and approved by both Houses of Parliament. We were aware of this issue, and to mitigate this and to ensure that Parliament was afforded sufficient notice of our intent, a Written Ministerial Statement setting out both our policy intentions and the proposed fee levels was tabled in both Houses on 7 March 2007.

#### **4. Legislative Background**

4.1 The Accession State Worker Registration Scheme was set up by the Accession (Immigration and Worker Registration) Regulations 2004. Regulation 8(4)(a) of those Regulations required an application from an unregistered worker to be accompanied by a £50 fee. This fee was increased to £70 from 1<sup>st</sup> October 2005 (by the Accession (Immigration and Worker Registration) (Amendment) Regulations 2005). Further amending regulations are now required to increase the fee to £90 from 2<sup>nd</sup> April 2007.

#### **5. Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

#### **6. European Convention on Human Rights**

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

#### **7. Policy Background**

7.1 The Government has recently set out its new charging policy in its response to the public consultation undertaken at the end of last year. The consultation document set out a number of options for a future charging regime and the response gave our intention to introduce a flexible charging approach, allowing us to set fees at levels that we believe are realistic and justifiable. Some fees will be set at levels above cost recovery, to help support the investment in the immigration system set out in the recently published enforcement strategy, for example. Others, including those set out in these regulations, will be set below cost recovery levels where we believe that there are good reasons for doing so.

7.2 We think that there are clear reasons for maintaining the fees for applications for the Workers Registration Scheme at below cost recovery levels, but believe that the proposed increase of £20 to the existing fee is justifiable and sustainable, as we do not want to deter workers from applying to register.

#### **8. Impact**

8.1 The fee is payable by the individual applicant. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities, or voluntary bodies.

#### **9. Contact**

9.1 Lee Bartlett at the Immigration and Nationality Directorate of the Home Office can answer any queries regarding the instrument. Tel: 0114 2076559 or e-mail: [Lee.Bartlett3@homeoffice.gsi.gov.uk](mailto:Lee.Bartlett3@homeoffice.gsi.gov.uk)