Citizenship Fee Waiver Training – Q&A

*2022-09-29 v1 – KIND UK*

# Do you think the amounts stated as essential will be revised in light of the inflation that everyone is experiencing?[[1]](#footnote-1)

**[Sumita Gupta (ILC)]** It’s doubtful. The assessment of essential living needs is taken from NASS support for able-bodied asylum seeker adults and which was increased to £40.85 (from £39.63) in January 2022. See [Report on the allowances paid to asylum seekers and failed asylum seekers: 2020](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1038549/Report_on_the_allowances_paid_to_asylum_seekers_and_failed_asylum_seekers_2020.pdf) (publishing.service.gov.uk).

# If the client has bank statements, are receipts required as well? Or can the statements be the main basis of evidence?

**[Sumita Gupta (ILC)]** it will depend on the spending habits of your client. If the majority of their spending is done on their card, there is less need for receipts, but if they withdraw cash and spend that, then receipts will help you to build a picture of their spending habits.

# If a parent is not employed, is there any obligation for them to seek employment to qualify for fee waiver?

**[Sumita Gupta (ILC)]** No. If someone is not working and in receipt of welfare benefits, or section 17 support from a local authority (if they have an unregularized immigration status), those forms of income can support the fee waiver application. Regular employment may be more helpful for you to evidence income as you will hopefully have clear documentary evidence, but employment is not a pre-requisite for a fee waiver and does not impact on the merits of an application.

#  What is the right approach where you have only bank statements, with some expenditure funded by cash withdrawals and no receipts at all?

**[Sumita Gupta (ILC)]** The lack of evidence of spending would really need to be explained in a witness statement from your client, with an explanation too of how the undocumented spending took place. Ideally, you would also encourage your client to start to keep receipts during the course of your retainer, so that even if you do not have receipts at the beginning of your 6 month financial diary, you will start to be able to include them with the passage of time and as the client appreciates the importance of them.

# Where can we get the financial diary? Can we downloaded from somewhere or do we have to create it?

**[Sumita Gupta (ILC)]** This will be circulated by KiND supervisors with each application you prepare.

**[John Glanville (CELC/KIND UK)]** This document will be included on the supplementary materials page for this event

# As Christmas is in a few months, how can this be accounted for as spending may be higher than usual?

**[Sumita Gupta (ILC)]** If your client is saving towards Christmas, or spends more because of Christmas (or other religious festivals and celebrations), this would need to be explained in the financial diary. You can also make representations about the importance of this for the child (and their best interests) in your submissions.

# Is there a cap on what is 'allowable' for rent or mortgage amounts?

**[Sumita Gupta (ILC)]** Not so far as we are aware.

# How long should the financial diary cover?

**[Sumita Gupta (ILC)]** the Fee waiver policy requests 6 months, however if you have very clear evidence of income and expenditure and an inability to pay the fee, or a deadline, you may be able to succeed with less than 6 months evidence. If you intend to submit less than 6 months we would encourage you to discuss this with your supervisor as early as possible.

# Is it a point to include in the submissions if amounts are higher than the essential amounts?

**[Sumita Gupta (ILC)]** Absolutely. The essential amounts in the policy source are so low that most people will spend above it. Report on the allowances paid to asylum seekers and failed asylum seekers: 2020 (publishing.service.gov.uk). It is worth reading to understand how close to the bone the figures are. It’s worth noting too that inflation was assessed as 1.7%.

**[Rebecca Flint (ILC)]** We don’t need to refer to the amounts as specified in the policy – because this is an incorrect position from the HO. Children applying for citizenship are not children who are irregular immigrants (for want of a better phrase) in that this is not about immigration control. This is about Citizenship which is not an immigration matter. The point in your reps is that the expenditure on essential items is reasonable.

# What is the approach to evidence where a client has no money? They subsist off food donations. No bank account, and no-one gives them cash. Sometimes friends pay for things on their behalf (eg travel, school meals).

**[Sumita Gupta (ILC)]** We experience this often in our Leave to Remain applications. Going to the source of the support, food banks, friends, religious or community organisations and requesting a letter or preparing a statement is required. You will also need to take a detailed statement from the parent so that they can explain how they are surviving. You will need to assess with your supervisor whether the evidence you have is likely to meet the evidential bar.

It is also worth raising this with your KiND supervisor in case the client needs to be referred for specialist advice, for example if they are entitled to section 17 support from a Local Authority.

**[Rebecca Flint (ILC)]** All of this needs to be documented- detail all of this in a WS. They will need supporting letters from friends that assist with food/ money, from food banks, from whoever pays their travel, letter from school confirming school meals etc. If the family are destitute, without status in the UK, and without recourse to public funds, they should consider seeking support under s17 CA. I would suggest you approach your supervisor and ask them to assist with a referral to a Community Care solicitor.

# Does the fee waiver provision only apply in relation to new applications? Or is there a system for refunds at all (my client had to wait for some time to make an application in order to be able to pay the fee).

**[Sumita Gupta (ILC)]** Really sorry, but as expected the Home Office have not made any arrangements to refund previously paid for applications or assess whether they would have been entitled to a fee waiver.

**[Rebecca Flint (ILC)]** No. No policy on this and unlikely to be.

1. [John Glanville (CELC/KIND UK)] – this question refers to the approx. 10-15% inflation rate in late 2022 [↑](#footnote-ref-1)