

## Summary: Intervention & Options

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| <b>Department /Agency:</b><br><b>Home Office/ UK Border Agency</b>                                                                                                                                                                                                                     | <b>Title:</b><br><b>Final Impact Assessment of Draft Immigration Bill</b> |                               |
| <b>Stage: Draft Bill</b>                                                                                                                                                                                                                                                               | <b>Version: 1.00</b>                                                      | <b>Date: 12 November 2009</b> |
| <b>Related Publications:</b> <i>Simplifying Immigration Law – An Initial Consultation</i> (6 June 2007)<br><i>The Path to Citizenship: Next Steps in Reforming the Immigration System</i> (20 February 2008)<br><i>Draft (partial) Immigration and Citizenship Bill</i> (14 July 2008) |                                                                           |                               |

Available to view or download at:

<http://www.ukba.homeoffice.gov.uk/managingborders/simplifying>

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**What is the problem under consideration? Why is government intervention necessary?**

The draft Immigration Bill is the next stage in a continuing process of reform of the immigration system, demonstrating how the reworking of the legislative framework will support and reinforce the changes which have already been made. The Immigration Bill will replace almost all our current immigration laws with a single legislative framework for the immigration functions of the UK Border Agency.

**What are the policy objectives and the intended effects?**

The draft Bill supports each of the UK Border Agency's strategic objectives in:

- Protecting our borders
- Tackling crime
- Fast and fair decisions

The simplification project's objective is to produce a single, consistent and coherent framework of primary and secondary legislation, and in due course a new set of Immigration Rules. This Impact Assessment concerns the progress on the first of those objectives – the simplified legal framework which aims to enable the immigration system to work more efficiently and effectively.

**What policy options have been considered? Please justify any preferred option.**

1. Do nothing
2. Consolidation and simplification

Option 1 would retain the existing complexity of immigration law.

Option 2 is the preferred option as it allows the simplification and strengthening of key concepts, language and approach and will maximise the benefits of change.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?**

The policies will be reviewed after 3 years following implementation.

**Ministerial Sign-off** For final proposal/implementation stage Impact Assessments:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options*

Signed by the responsible Minister:

Phil Woolas .....Date: 12 November 2009

## Summary: Analysis & Evidence

**Policy Option: 2**

**Description: Consolidation of Existing Acts and Simplification of Existing Law where appropriate – Preferred Option**

|                                                                                                                                                                                                                                                                              |                                                   |    |                                                                                                                                                                                                                                                                                                                                                        |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>COSTS</b>                                                                                                                                                                                                                                                                 | <b>ANNUAL COSTS</b>                               |    | Description and scale of <b>key monetised costs</b> by 'main affected groups': Key monetised costs include:<br>UKBA staff training and familiarisation: £10m-£20m<br>Private sector staff training and familiarisation: £5m-£12m<br>Additional UKBA operational and enforcement costs: £7m-£20m<br>Additional AIT/MOJ legal challenge costs: £0.2m-£1m |                |
|                                                                                                                                                                                                                                                                              | <b>Yrs</b>                                        |    |                                                                                                                                                                                                                                                                                                                                                        |                |
|                                                                                                                                                                                                                                                                              | <b>£ 25.2m</b>                                    | 1  |                                                                                                                                                                                                                                                                                                                                                        |                |
|                                                                                                                                                                                                                                                                              | <b>Average Annual Cost</b><br>(excluding one-off) |    |                                                                                                                                                                                                                                                                                                                                                        |                |
|                                                                                                                                                                                                                                                                              | <b>£ 2.0m</b>                                     | 10 | <b>Total Cost (PV)</b>                                                                                                                                                                                                                                                                                                                                 | <b>£ 43.5m</b> |
| Other <b>key non-monetised costs</b> by 'main affected groups' Key non-monetised costs include:<br>1. Transitional costs associated with business change and risks of short-term mistakes<br>2. Risk of additional legal challenge in short run as new legislation is tested |                                                   |    |                                                                                                                                                                                                                                                                                                                                                        |                |

|                                                                                                                                                                                                                                                                                                  |                                                      |    |                                                                                                                                                                                                                                                                                                                                                                        |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>BENEFITS</b>                                                                                                                                                                                                                                                                                  | <b>ANNUAL BENEFITS</b>                               |    | Description and scale of <b>key monetised benefits</b> by 'main affected groups' Key monetised benefits include:<br>UKBA reduced staff training and familiarisation: £16m-£31m<br>UKBA reduced operational and support costs: £11m-£27m<br>UKBA/AIT/MOJ reduced legal challenge costs: £1.2m-£16.<br>Private/Third sector staff training and familiarisation: £4m-£14m |                |
|                                                                                                                                                                                                                                                                                                  | <b>Yrs</b>                                           |    |                                                                                                                                                                                                                                                                                                                                                                        |                |
|                                                                                                                                                                                                                                                                                                  | <b>£ 0</b>                                           | 1  |                                                                                                                                                                                                                                                                                                                                                                        |                |
|                                                                                                                                                                                                                                                                                                  | <b>Average Annual Benefit</b><br>(excluding one-off) |    |                                                                                                                                                                                                                                                                                                                                                                        |                |
|                                                                                                                                                                                                                                                                                                  | <b>£ 6.9m</b>                                        | 10 | <b>Total Benefit (PV)</b>                                                                                                                                                                                                                                                                                                                                              | <b>£ 60.1m</b> |
| Other <b>key non-monetised benefits</b> by 'main affected groups' Key non-monetised benefits are:<br>1. Greater clarity of legislation for all UKBA stakeholders<br>2. Increased efficiency and decreased risk of mistakes in application of law, increasing fairness for all UKBA stakeholders. |                                                      |    |                                                                                                                                                                                                                                                                                                                                                                        |                |

**Key Assumptions/Sensitivities/Risks** Key assumptions and sensitivities include:

- Hours of training and familiarisation required for public, private and third sector staff
- Potential reduction in training and familiarisation times for new staff and ongoing familiarisation for all affected groups (public, private and third sector)

|                         |                         |                                                            |                                                          |
|-------------------------|-------------------------|------------------------------------------------------------|----------------------------------------------------------|
| Price Base<br>Year 2012 | Time Period<br>Years 10 | <b>Net Benefit Range (NPV)</b><br><b>£ £6.9m to £26.3m</b> | <b>NET BENEFIT (NPV Best estimate)</b><br><b>£ 16.6m</b> |
|-------------------------|-------------------------|------------------------------------------------------------|----------------------------------------------------------|

|                                                                       |                  |               |                   |                 |
|-----------------------------------------------------------------------|------------------|---------------|-------------------|-----------------|
| What is the geographic coverage of the policy/option?                 | UK wide          |               |                   |                 |
| On what date will the policy be implemented?                          | 2012             |               |                   |                 |
| Which organisation(s) will enforce the policy?                        | UK Border Agency |               |                   |                 |
| What is the total annual cost of enforcement for these organisations? | £ -430 k         |               |                   |                 |
| Does enforcement comply with Hampton principles?                      | Yes              |               |                   |                 |
| Will implementation go beyond minimum EU requirements?                | Yes              |               |                   |                 |
| What is the value of the proposed offsetting measure per year?        | £ n/a            |               |                   |                 |
| What is the value of changes in greenhouse gas emissions?             | £ n/a            |               |                   |                 |
| Will the proposal have a significant impact on competition?           | No               |               |                   |                 |
| Annual cost (£-£) per organisation<br>(excluding one-off)             | Micro<br>£ 0m    | Small<br>£0.m | Medium<br>£ 1.2 k | Large<br>£ 23 k |
| Are any of these organisations exempt?                                | No               | No            | N/A               | N/A             |

|                                                       |     |                       |            |
|-------------------------------------------------------|-----|-----------------------|------------|
| <b>Impact on Admin Burdens Baseline</b> (2005 Prices) |     | (Increase - Decrease) |            |
| Increase of                                           | £ 0 | Decrease of           | £ 0        |
|                                                       |     | <b>Net Impact</b>     | <b>£ 0</b> |

Key: Annual costs and benefits: Constant Prices (Net) Present Value

## Evidence Base (for summary sheets)

### BACKGROUND

The Government made a commitment to the simplification of immigration legislation in its review of the immigration system in July 2006. We were clear that this was a major project which would take time to complete. The publication of this draft Bill for further pre-legislative scrutiny by Parliament is the next step in a continuing process.

The process began with the initial consultation paper we published in June 2007 which set out the case for simplification of immigration legislation and the principles that underpin our work. In February 2008 we published a Green paper which set out more detailed proposals for reforming the law together with the Government's proposals for a new path to citizenship [hyperlink](#). In July 2008 we published the draft (partial) Immigration and Citizenship Bill.

We have reflected on the comments and submissions we received from Parliament, stakeholders and staff in response to those consultations as we have continued to work on the draft Bill – and will continue to do so as we prepare for its introduction.

### RATIONALE FOR INTERVENTION

The legal framework for immigration is very complex. The Immigration Act 1971 remains its foundation nearly forty years after it was passed. But many changes and additions have been necessary in that time. Subsequent legislation has provided vital additions and strengthening measures to respond to the enormous changes in patterns of international migration there have been since 1971. The Borders, Citizenship and Immigration Act which was passed in July 2009 is the eleventh in a series of measures which have been overlaid on the 1971 Act. These Acts include:

- Immigration Act 1988 (“IA 1988”)
- Asylum and Immigration Appeals Act 1993 (“AIAA 1993”)
- Asylum and Immigration Act 1996 (“AIA 1996”)
- Special Immigration Appeals Commission Act 1997 (“SIACA 1997”)
- Immigration and Asylum Act 1999 (“IAA 1999”)
- Nationality, Immigration and Asylum Act 2002 (“NIAA 2002”)
- Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (“AI (TC) A 2004”)
- Immigration, Asylum and Nationality Act 2006 (“IANA 2006”)
- UK Borders Act 2007 (“UKBA 2007”)
- Borders, Citizenship and Immigration Act 2009 (Parts 3 and 4 only) (“BCIA 2009”).

In addition to the primary legislation, there are the Immigration Rules, a range of specific statutory instruments, and a host of guidance and instructions. It is not always straightforward to know what the law currently provides on a particular issue.

This complexity leads to inefficiency in decision-making, increasing delays and the risk of mistakes. Applicants can find it difficult to understand how they can come to or stay in the United Kingdom legitimately and what is expected of them. The lack of transparency reduces confidence in the effectiveness of the system.

Important changes have already been made to make the system clearer and easier to understand – particularly the introduction of the Points Based System, with its rationalisation of routes to work and study in the UK, and the clarification of the pathway to citizenship for those migrants who want to make their home here. Work is underway in many other areas to improve

the effectiveness of immigration processes and the services they deliver. There is the opportunity in reforming the overarching legislation to bolster and encourage that wider process strengthening and improvement.

The aim is to produce a single, consistent and coherent framework of primary and secondary legislation, with a new set of Immigration Rules. This will provide a further spur and support to the process of improving the guidance and instructions which sit below the legislation – and on which work is already underway. It will complement the work which is happening in parallel radically to improve the Agency's business systems and processes through the Immigration Casework Programme.

Reforming the law is not a narrow legal exercise. Simplification is at the heart of the continuing transformation of the immigration system.

## **POLICY OBJECTIVES**

The draft Bill supports each of the UK Border Agency's strategic objectives in:

- Protecting our borders
- Tackling crime
- Fast and fair decisions

The simplification project's objective is to produce a single, consistent and coherent framework of primary and secondary legislation, and in due course a new set of Immigration Rules. This impact assessment concerns the progress on the first of those objectives – the simplified legal framework which aims to enable the immigration system to work more efficiently and effectively.

## **CONSULTATION**

### **Initial Consultation**

*Simplifying Immigration Law – An Initial Consultation* was published on 6 June 2007, setting out principles for simplification and inviting views. The consultation period ended on 29 August 2007 and an analysis of the responses was published in December 2007.

The Green Paper *The Path to Citizenship: Next Steps in Reforming the Immigration System* was published on 20 February 2008 and ended on 14 May 2008.

The *Draft (partial) Immigration and Citizenship Bill* was published on 14 July 2008 accompanied by the *Making Change Stick* document and the response to the consultation on *The Path to Citizenship* Green Paper.

## **OPTIONS**

In developing the draft legislation we have progressed from considering three broad options in each area of immigration law when the *Draft (partial) Immigration and Citizenship Bill* was published to now settling on the proposal to consolidate and simplify. These changes must be considered against the backdrop of all the other changes to the immigration system, such as the integration of customs functions to the UK Border Agency, Earned Citizenship programme, points based system and e-borders which have been made or which are under development. The two options for change are:

### **1. Do nothing**

### **2. Consolidation and simplification**

This draft of the Bill shows the progress that has been made against the objective of consolidation or simplification of key areas of immigration legislation and this Impact

Assessment estimates significant costs and benefits associated with making these changes. The preferred option of consolidation and simplification aims to maximise the net benefits of legal reform.

Indications have been given here of how it is believed the different parts of the law may link together. When implementation planning is completed it will also be very important to take full account of wider changes to the system which will be being made over the same period. For the purpose of this Impact Assessment, we set out below some broad assessments of the impacts associated with each of the key areas of immigration law which have been included in the draft Bill.

A summary of the main provisions in the draft Bill is below:

| <b>Part</b>                                                                                            | <b>Summary</b>                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 1: Permission to enter and stay in UK (incl. EEA entrants)</b>                                 | Sets out the basic building blocks of the new system. "Permission" replaces existing separate concepts of leave to enter and remain, entry clearance, right of abode and various categories of exemption from control. There is a new broad power to cancel permission, before, on or after entry. Makes provision for "transit permission". Introduces the Immigration Rules. |
| <b>Part 2: Immigration controls (incl. Juxtaposed Control; port facilities; passenger information)</b> | Provide for the definition of control areas at ports – in the UK or overseas. Continued provision for duties of carriers, port managers and captains. New provision for designation of immigration officials to carry out specified functions.                                                                                                                                 |
| <b>Part 3: Powers to Examine</b>                                                                       | Maintains powers to question persons on arrival, require documents, search, etc. Key change is to make power of examination available overseas.                                                                                                                                                                                                                                |
| <b>Part 4: Biometrics</b>                                                                              | Brings together current piecemeal provision to take and retain fingerprints and other biometric information.                                                                                                                                                                                                                                                                   |
| <b>Part 5: Expulsion, repatriation</b>                                                                 | New single power of expulsion replacing existing separate provision for deportation and removal. Bar on return – indefinitely or for a specified period. Maintains power to assist voluntary returns.                                                                                                                                                                          |
| <b>Part 6: Detention &amp; Immigration Bail</b>                                                        | Brings together powers to detain in different circumstances and creates new single status of immigration bail. Replaces existing provision for temporary admissions, temporary release and bail. Standard menu of conditions – including reporting, financial security, tagging – available in all cases.                                                                      |
| <b>Part 7: Detained Persons &amp; Removal Centres</b>                                                  | Reproduces existing provision for management of removal centres, escorts, etc with little change.                                                                                                                                                                                                                                                                              |
| <b>Part 8: Powers of arrest, entry, etc (inc. disposal of property)</b>                                | Brings together existing powers of arrest, entry, search, seizure and provides the power                                                                                                                                                                                                                                                                                       |

|                                                                                                 |                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                 | to stop and question person s in a designated area as to their immigration status.                                                                                   |
| <b>Part 9: Appeals</b>                                                                          | Provides for rights of appeal. Key changes is simplification (and some restriction) of grounds of appeal.                                                            |
| <b>Part 10: Special Immigration Appeals Commission</b>                                          | Reproduces current arrangements for SIAC without substantive change.                                                                                                 |
| <b>Part 11: Support</b>                                                                         | New provision for supporting destitute asylum seekers. Public consultation is being conducted on proposed changes.                                                   |
| <b>Part 12: Information</b>                                                                     | Brings together current piecemeal powers to require and supply information through specific “gateways”.                                                              |
| <b>Part 13: Illegal Working</b>                                                                 | Reproduces existing provision for civil penalty and criminal offence relating to illegal working.                                                                    |
| <b>Part 14: Carriers' Liability</b>                                                             | Essentially reproduces existing provision but extends liability to include inadequately documented British citizens and EEA entrants.                                |
| <b>Part 15: Civil Penalty Procedure</b>                                                         | Brings together procedural issues currently provided separately for individual civil penalties under carriers’ liability, illegal working and biometrics.            |
| <b>Part 16: Inspections &amp; Oversight</b>                                                     | Continued provision for an independent Chief Inspector of the UK Border Agency and relationship to other bodies.                                                     |
| <b>Part 17: Immigration advisors &amp; immigration service providers (<i>to be drafted</i>)</b> | Proposals included in accompanying consultation but not in draft Bill.                                                                                               |
| <b>Part 18: Offences: General</b>                                                               | Broadly reproduces existing criminal offences. Reduction in overlaps and clarification of some offences.                                                             |
| <b>Part 19: General Supplementary Provisions</b>                                                | Reproduces the duty of the UK Border Agency to safeguard and promote the welfare of children. Other miscellaneous provisions including fees and the form of notices. |
| <b>Part 20: Final provisions</b>                                                                | Technical provisions including the geographical extent and commencement of the draft Bill.                                                                           |

## COSTS AND BENEFITS

As the Bill is only being published in draft it is not possible to fully quantify the costs and benefits of the proposed changes. The cost benefit analysis will be developed as detailed provisions are finalised and will be published again when the final Bill is introduced to Parliament. It will be important to look carefully at the links between the different parts of the law when the whole package has been prepared. It is also very important to take full account of wider changes to the system which will be being made over the same period ahead of detailed implementation planning. For the purpose of this Impact Assessment, we set out below some broad assessments of the impacts associated with each of the areas of immigration law which have been included in the draft Bill.

### KEY COST AND BENEFIT AREAS

The key potential costs and benefits of consolidation and simplification are set out below:

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;"><b>KEY COSTS</b></p>    | <p><u>Set Up Costs</u></p> <ul style="list-style-type: none"> <li>• Simplifying the law will lead to costs to Government of modifying systems, and retraining and familiarising staff to apply the new framework, all of which will be addressed in a wider framework of business change.</li> <li>• There will also be costs to businesses, migrants, legal representatives and third sector UKBA stakeholders of understanding the new legislation and guidance and changing their working methods to accommodate it.</li> <li>• There will also be a transitional cost associated with business and process changes as staff adapt to the new rules, and some risk of increased appeals and Judicial Review as the system is tested in the initial years.</li> </ul> <p><u>Ongoing Costs</u></p> <ul style="list-style-type: none"> <li>• There will be some changes to processes in UKBA that will increase some ongoing costs, for example in asylum case-working and asylum support.</li> <li>• There will also be some additional costs to MOJ (HMCS, CPS and AIT) as the offences, prosecutions and appeals impacts change over time, although these will lead to a general re-balancing of existing resources and priorities.</li> <li>• There will also be additional ongoing costs to private sector carriers due to the risk of increased Carrier's Liability penalties due to the extension to British Citizens and EEA nationals although we expect these to be minimal.</li> </ul> |
| <p style="text-align: center;"><b>KEY BENEFITS</b></p> | <p><u>Ongoing Benefits</u></p> <ul style="list-style-type: none"> <li>• UK Border Agency and other HMG staff will benefit from reduced training and familiarisation times for new and existing staff due to the simplified legislation (reducing the costs of staff abstraction). We should also see quicker decision making and case processes and fewer appeals as a result of the simpler legal framework that will govern the immigration process. In addition, there may be an administrative saving in the future as the process of legislative amendment becomes less frequent</li> <li>• Business, migrants, legal representatives, the third sector and other UKBA stakeholders will realise benefits from dealing with simpler legal guidance and migration laws, reducing legislative familiarisation times, suffering fewer refused applications, fighting fewer appeals and having less need to rely on specialist advice</li> <li>• There will also be increased public confidence in the immigration system with greater transparency arising from a clearer set of rules and less use of discretion</li> </ul>                                                                                                                                                                                                                                                                                                                                                                    |

## **COSTS**

The costs set out below are the *additional economic* costs resulting from the proposed changes to immigration legislation. These do not necessarily reflect the *additional financial* costs that might arise due to the changes. The approach is based on the Standard Cost Model technique of identifying the volume (of people/cases) affected, the unit cost (per hour) of the staff/cases, and the time (in hours) required. By identifying where one of these variables changes, we can understand the scale of potential costs that might arise – e.g. staff abstraction costs for training and familiarisation will be calculated by estimating the volume of staff affected, their hourly wage, and the number of additional hours required for training in the new legislation.

The estimated costs set out below are indicative estimates based on high level assumptions around how much additional training and/or familiarisation time will be required for case workers and relevant stakeholders to understand the new legislation; how much existing processes may change in the short and long run, and the extent to which the proposed changes will lead to changes in behaviours and outcomes for affected stakeholders. There will also be additional costs for the UKBA in making necessary system changes and developing new guidance and instructions. At this stage it is not possible to separate out the specific additional impact of legislative change, when set against the major reforms and business changes which are already planned or in prospect. The quantified costs are set out below:

### **OPTION 1 – Do Nothing**

There will be no additional costs associated with option 1. However, there will continue to be complexities with the current immigration legislation leading to inefficiency, risks of delays and mistakes, risks of legal challenge and lack of clear understanding of the rules and laws for all stakeholders.

### **OPTION 2 – Consolidation and simplification**

Consolidation and simplification of legislation will require private, public and voluntary sector staff to familiarise themselves with the new legislation. There will also be transitional costs for identified staff that require training. These set up costs will be greater for staff and relevant stakeholders in areas of legislation where there are significant changes associated with simplification. There will also be additional ongoing costs resulting from the changes, mainly associated with changes to asylum support case-working, and extension of the carrier's liability penalty to British Citizens and EEA nationals, but also due to a few other minor process changes.

The current summarised ten year costs associated with the Bill are set out in the table that follows:



## Summary Costs of Option 2

| <b>OPTION 2 - Simplification Summary Impacts COSTS</b> | <b>CENTRAL<br/>10 year NPV</b> | <b>LOW<br/>10 year NPV</b> | <b>HIGH<br/>10 year NPV</b> |
|--------------------------------------------------------|--------------------------------|----------------------------|-----------------------------|
| <b>Set Up Costs</b>                                    |                                |                            |                             |
| <u>Public Sector</u>                                   |                                |                            |                             |
| <b>Staff Costs</b>                                     |                                |                            |                             |
| 1.a. Case worker retraining                            | £ 3,710,000                    | £ 2,900,000                | £ 4,520,000                 |
| 1b. Border Force Training                              | £ 4,060,000                    | £ 3,090,000                | £ 5,030,000                 |
| 2.a. Case-worker Re-reading guidance                   | £ 4,450,000                    | £ 2,850,000                | £ 6,050,000                 |
| 2.b. Border Force Re-reading guidance/familiarisation  | £ 3,100,000                    | £ 1,500,000                | £ 4,690,000                 |
| <b>Other costs</b>                                     |                                |                            |                             |
| 3. IT costs                                            | £ 50,000                       | £ -                        | £ 100,000                   |
| 4. Other costs                                         | £ 70,000                       | £ 60,000                   | £ 80,000                    |
| 5. OGD costs - training and familiarisation            | £ 110,000                      | £ 70,000                   | £ 140,000                   |
| <b>Total Public Sector Setup Costs</b>                 | <b>£ 15,550,000</b>            | <b>£ 10,490,000</b>        | <b>£ 20,610,000</b>         |
| <u>Private sector</u>                                  |                                |                            |                             |
| <b>Staff costs</b>                                     |                                |                            |                             |
| 1. Staff training costs - carriers                     | £ 1,800,000                    | £ 1,100,000                | £ 2,500,000                 |
| 2. Staff familiarisation costs - carriers              | £ 1,850,000                    | £ 1,230,000                | £ 2,460,000                 |
| 3. Staff familiarisation costs - lawyers & advisers    | £ 5,060,000                    | £ 3,140,000                | £ 6,980,000                 |
| <b>Other costs</b>                                     |                                |                            |                             |
| 4. IT costs                                            | £ -                            | £ -                        | £ -                         |
| <b>Total Private Sector Set Up Costs</b>               | <b>£ 8,700,000</b>             | <b>£ 5,460,000</b>         | <b>£ 11,940,000</b>         |
| <u>Third sector</u>                                    |                                |                            |                             |
| <b>Staff costs</b>                                     |                                |                            |                             |
| 1. Staff training costs - advisers                     | £ -                            | £ -                        | £ -                         |
| 2. Staff familiarisation costs - advisers              | £ 970,000                      | £ 590,000                  | £ 1,360,000                 |
| <b>Other costs</b>                                     |                                |                            |                             |
| 3. IT costs                                            | £ -                            | £ -                        | £ -                         |
| <b>Total Third Sector Set Up Costs</b>                 | <b>£ 970,000</b>               | <b>£ 590,000</b>           | <b>£ 1,360,000</b>          |
| <b>Total Set Up Costs</b>                              | <b>£ 25,220,000</b>            | <b>£ 16,540,000</b>        | <b>£ 33,910,000</b>         |
| <b>Ongoing Costs</b>                                   |                                |                            |                             |
| <u>Public sector</u>                                   |                                |                            |                             |
| <b>UKBA costs</b>                                      |                                |                            |                             |
| 1. Additional staff costs                              | £ 1,850,000                    | £ 1,240,000                | £ 2,470,000                 |
| 2. Additional Appeals and Bail Hearing costs           | £ 440,000                      | £ 70,000                   | £ 810,000                   |
| 3. Additional Judicial Review costs                    | £ 680,000                      | £ -                        | £ 1,350,000                 |
| 4. Operational Process and Case change costs           | £ 3,210,000                    | £ 1,460,000                | £ 4,970,000                 |
| 5. Additional Fees/Income Loss (carriers' liability)   | £ 860,000                      | £ 860,000                  | £ 860,000                   |
| 6. Additional Enforcement Costs                        | £ 8,530,000                    | £ 4,510,000                | £ 12,550,000                |
| 7. Additional Asylum support costs                     | £ -                            | £ -                        | £ -                         |
| <b>OGD costs</b>                                       |                                |                            |                             |
| 8. Additional Appeals and Legal Aid Costs              | £ 570,000                      | £ 190,000                  | £ 960,000                   |
| 9. Other OGD costs                                     | £ 30,000                       | £ 60,000                   | £ -                         |
| <b>Total Public Sector On Going Costs</b>              | <b>£ 16,180,000</b>            | <b>£ 8,380,000</b>         | <b>£ 23,970,000</b>         |
| <u>Private sector</u>                                  |                                |                            |                             |
| 1. Additional staff costs                              | £ -                            | £ -                        | £ -                         |
| 2. Additional Carriers Liability Costs                 | £ 240,000                      | £ -                        | £ 480,000                   |
| <b>Total Private Sector On Going Costs</b>             | <b>£ 240,000</b>               | <b>£ -</b>                 | <b>£ 480,000</b>            |
| <u>Third sector</u>                                    |                                |                            |                             |
| 1. Additional staff                                    | £ 1,840,000                    | £ -                        | £ 3,680,000                 |
|                                                        | £ -                            | £ -                        | £ -                         |
| <b>Total Third Sector On Going Costs</b>               | <b>£ 1,840,000</b>             | <b>£ -</b>                 | <b>£ 3,680,000</b>          |
| Wider Economic Costs                                   | £ -                            | £ -                        | £ -                         |
| <b>Total On Going Costs</b>                            | <b>£ 18,260,000</b>            | <b>£ 8,380,000</b>         | <b>£ 28,140,000</b>         |
| <b>Total Costs</b>                                     | <b>£ 43,480,000</b>            | <b>£ 24,920,000</b>        | <b>£ 62,040,000</b>         |

Note – these are initial estimates of the costs of simplification and are subject to change

## **BENEFITS**

The approach to benefits is also to understand the *additional economic* benefits resulting from the proposed changes to immigration legislation, and again these may not necessarily represent the *additional financial* savings that may arise due to the changes.

Simplification proposals in specific areas of legislation have been designed to help reduce the complexities and problems with the current set of legislation and the difficulties these cause with case working and current operational processes and costs.

The estimated benefits have been calculated using high level assumptions around the time likely to be saved through simpler training and familiarisation opportunities; reduced casework times and a reduction in appeal costs as a result of better initial decision making made possible through the consolidation and simplification of immigration legislation. UKBA also expect to see savings as a result of asylum casework processes. Again the Standard Cost Model approach has been used to estimate the potential scale of benefits.

Benefits arising from a reduction in training for new staff and legislative familiarisation for all affected staff have also been considered for private and third sector stakeholders.

### **OPTION 1 – Do Nothing**

There will be no additional benefits associated with option 1.

### **OPTION 2 – Consolidation and Simplification**

Consolidation and simplification of legislation will reduce the time needed for public, private and third sector new staff to be trained in immigration legislation. This will also reduce the familiarisation time required for existing staff. Benefits are also expected to arise around reduced case working time, and a fall in the volume of appeals against UKBA decisions and applications for bail hearings.

The current quantified benefits are as follows:

## Summary Benefits of Option 2

| <b>OPTION 2 - Simplification Summary Impacts BENEFITS</b>    | <b>CENTRAL<br/>10 year</b> | <b>LOW<br/>10 year</b> | <b>HIGH<br/>10 year</b> |
|--------------------------------------------------------------|----------------------------|------------------------|-------------------------|
| <b>Ongoing Benefits</b>                                      |                            |                        |                         |
| <u>Public Sector</u>                                         |                            |                        |                         |
| 1. Reduction in ongoing case worker training                 | £ 4,080,000                | £ 1,630,000            | £ 6,530,000             |
| 2. Reduction in ongoing case worker familiarisation          | £ 19,380,000               | £ 14,600,000           | £ 24,150,000            |
| 3. Reduction in ongoing case-working costs                   | £ 2,200,000                | £ 1,380,000            | £ 3,030,000             |
| 4. Increase in ongoing UKBA income                           | £ 240,000                  | £ -                    | £ 480,000               |
| 5. Reduction in appeal costs to UKBA                         | £ 2,430,000                | £ 300,000              | £ 4,560,000             |
| 6. Reduction in UKBA enforcement costs                       | £ 190,000                  | £ -                    | £ 370,000               |
| 7. Reduction in UKBA asylum costs                            | £ 16,460,000               | £ 9,210,000            | £ 23,710,000            |
| <u>To OGDs</u>                                               |                            |                        |                         |
| 8. Reduction in costs to MOJ/AIT                             | £ 6,210,000                | £ 970,000              | £ 11,450,000            |
| 9. Reduction in costs of services/benefits                   | £ -                        | £ -                    | £ -                     |
| <b>Public Sector On Going Benefits</b>                       | <b>£ 51,180,000</b>        | <b>£ 28,080,000</b>    | <b>£ 74,270,000</b>     |
| <u>Private sector</u>                                        |                            |                        |                         |
| 1. Reduction in ongoing private sector staff training        | £ 100,000                  | £ 50,000               | £ 140,000               |
| 2. Reduction in ongoing private sector staff familiarisation | £ 7,380,000                | £ 2,890,000            | £ 11,880,000            |
| 3. Reduction in Carriers Liability administrative work       | £ 430,000                  | £ 360,000              | £ 510,000               |
| <b>Total Private Sector On Going Benefits</b>                | <b>£ 7,910,000</b>         | <b>£ 3,300,000</b>     | <b>£ 12,520,000</b>     |
| <u>Third sector</u>                                          |                            |                        |                         |
| 1. Reduction in ongoing third sector staff training          | £ 30,000                   | £ 10,000               | £ 40,000                |
| 2. Reduction in ongoing third sector staff familiarisation   | £ 820,000                  | £ 370,000              | £ 1,270,000             |
| 3. Reduction in burdens to Third sector                      | £ 170,000                  | £ 70,000               | £ 270,000               |
| <b>Total Third Sector On Going Benefits</b>                  | <b>£ 1,020,000</b>         | <b>£ 450,000</b>       | <b>£ 1,580,000</b>      |
| <b>Total Benefits</b>                                        | <b>£ 60,100,000</b>        | <b>£ 31,840,000</b>    | <b>£ 88,370,000</b>     |

**Note – these are initial estimates of the benefits of Simplification and are subject to change**

### Non-quantified Costs and Benefits

There are a number of wider costs and benefits of simplification proposals that are difficult to accurately quantify. The table at Annex C sets out the key non-quantified costs, benefits and risks associated with each part of the Bill.

Overall we believe that the long-term non-quantified benefits in terms of clarity of legislation for all affected stakeholders and the Agency itself will strongly outweigh the short-term non-quantified costs and risks that might arise as a result of implementation.

In addition, for the draft Immigration Bill as a whole, there are a number of overarching non-quantified benefits, such as:

- A more comprehensive piece of immigration legislation ensuring the need for further primary legislation should be kept to a minimum.
- The benefit to migrants and the public of easier to understand immigration laws.
- The effects of test cases.
- The effects of possible increases in the use of powers or numbers of cases resolved due to increased efficiencies.
- The effects of better compliance with immigration laws and deterrence breaches of immigration law due to clear boundaries and powers.

## SUMMARY AND PREFERRED OPTION

The preferred option is option 2 – consolidation and simplification of immigration legislation.

Whilst the costs of option 2 are significantly greater than the do nothing, there is much greater scope for benefits to arise under option 2, where simplification is proposed in specific areas of immigration legislation, compared to the current legislative framework. In addition, the quantified benefits currently exceed the quantified costs, and we expect further analysis to determine even greater potential for quantified benefits. Furthermore, there are a number of wider non-quantified benefits that also provide a strong justification for option 2.

### Summary Costs and Benefits Table – Preferred Option

The summarised key quantified costs and benefits are set out below:

| <b>OPTION 2 - Simplification<br/>Summary Impacts</b> | <b>CENTRAL</b>      | <b>LOW</b>          | <b>HIGH</b>         |
|------------------------------------------------------|---------------------|---------------------|---------------------|
| <b>COSTS</b>                                         | <b>10 year</b>      | <b>10 year</b>      | <b>10 year</b>      |
| <b>Set Up Costs</b>                                  |                     |                     |                     |
| Public Sector Setup Costs                            | £ 15,550,000        | £ 10,490,000        | £ 20,610,000        |
| Private Sector Set Up Costs                          | £ 8,700,000         | £ 5,460,000         | £ 11,940,000        |
| Third Sector Set Up Costs                            | £ 970,000           | £ 590,000           | £ 1,360,000         |
| <b>Total Set Up Costs</b>                            | <b>£ 25,220,000</b> | <b>£ 16,540,000</b> | <b>£ 33,910,000</b> |
| <b>Ongoing Costs</b>                                 |                     |                     |                     |
| Public Sector On Going Costs                         | £ 16,180,000        | £ 8,380,000         | £ 23,970,000        |
| Private Sector On Going Costs                        | £ 240,000           | £ -                 | £ 480,000           |
| Third Sector On Going Costs                          | £ 1,840,000         | £ -                 | £ 3,680,000         |
| <b>Total On Going Costs</b>                          | <b>£ 18,260,000</b> | <b>£ 8,380,000</b>  | <b>£ 28,140,000</b> |
| <b>Total Costs</b>                                   | <b>£ 43,480,000</b> | <b>£ 24,920,000</b> | <b>£ 62,040,000</b> |
|                                                      |                     |                     |                     |
| <b>BENEFITS</b>                                      | <b>CENTRAL</b>      | <b>LOW</b>          | <b>HIGH</b>         |
| <b>Ongoing Benefits</b>                              |                     |                     |                     |
| Public Sector On Going Benefits                      | £ 51,180,000        | £ 28,080,000        | £ 74,270,000        |
| Private Sector On Going Benefits                     | £ 7,910,000         | £ 3,300,000         | £ 12,520,000        |
| Third Sector On Going Benefits                       | £ 1,020,000         | £ 450,000           | £ 1,580,000         |
| <b>Total Benefits</b>                                | <b>£ 60,100,000</b> | <b>£ 31,840,000</b> | <b>£ 88,370,000</b> |
|                                                      |                     |                     |                     |
| <b>NET IMPACTS</b>                                   | <b>£16,620,000</b>  | <b>£6,910,000</b>   | <b>£26,330,000</b>  |

### SENSITIVITY ANALYSIS – RANGE OF OUTCOMES

The cost and benefits estimates provided above include a range of estimates. These ranges have been based on lower and higher bound assumptions estimates for each of the key changes where uncertainties exist around the possible impacts. Key assumptions where ranges have been provided are:

- Training and Familiarisation times required for public, private and third sector stakeholders
- Potential transitional changes for appeals, Judicial Review and Enforcement, which lead to significant costs over the transitional period
- Potential reduction in training for new staff and ongoing familiarisation for all staff affected – this lead to a wide range of possible benefits
- Assumptions around changes to asylum support legislation and the process by which this allows greater removal and voluntary return of fraudulent asylum seekers

Nevertheless, a number of uncertainties will remain at this early stage, and over time, further analysis should help to increase the certainty of estimated impacts.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

| Type of testing undertaken | <i>Results in Evidence Base?</i> | <i>Results annexed?</i> |
|----------------------------|----------------------------------|-------------------------|
| Competition Assessment     | No                               | No                      |
| Small Firms Impact Test    | Yes                              | Yes                     |
| Legal Aid                  | Yes                              | Yes                     |
| Sustainable Development    | No                               | No                      |
| Carbon Assessment          | No                               | No                      |
| Other Environment          | No                               | No                      |
| Health Impact Assessment   | No                               | No                      |
| Race Equality              | Yes                              | EIA Report              |
| Disability Equality        | Yes                              | EIA Report              |
| Gender Equality            | Yes                              | EIA Report              |
| Human Rights               | Yes                              | No                      |
| Rural Proofing             | No                               | No                      |

## ANNEX A: WORKING WITH OTHER PROJECTS

In going forward to simplify the legal framework we need to take account of major changes already underway in the way in which the Agency does its business. The Simplification Project Team are engaged with other policy development projects and have identified significant interconnections with programmes seeking greater efficiency and streamlining of the Agency's business processes principally:

### **Creation of the UK Border Agency**

The Borders, Citizenship and Immigration Act 2009 allowed for the transfer of custom functions to the UK Border Agency. Up to 4,500 former custom staff have joined the Agency to create a single customs and immigration control at the border. The changes to immigration law proposed in this Bill will necessarily now need to be considered against the Agency's new customs responsibilities.

### **Points Based System (PBS)**

The PBS is focused on bringing in migrants who are highly skilled, or who can do key jobs that cannot be filled from the domestic labour force or from the European Union. It consists of five tiers to replace the approximately 80 routes to work and study that currently exist.

The Points Based System is being phased in from 2008 and will enable us to control migration to the United Kingdom more effectively, tackle abuse and attract the most talented workers into the United Kingdom economy.

The law in this area must take account of the wide ranging changes that have been made to the way in which the Agency does its work and the Points Based System for managed migration represent fundamental changes to our processes.

### **Immigration Casework (ICW) Programme**

The ICW programme has a strategic vision to support the Home Office and the UK Border Agency in achieving their strategic objectives, through the delivery of a world-class case working capability. ICW will achieve this by radically improving case work processes for the Agency and modernizing the supporting IT to deliver benefits in four areas:

- improved efficiency in the case work operation
- better quality decisions with fewer mistakes
- improved customer service; and
- a fit for purpose IT infrastructure for case work.

Process improvements under ICW and the associated benefits are to a large extent dependent on removing complexities and constraints associated with the current legal framework. We are working closely with the ICW team to identify and address any such issues. We are also in discussion with ICW about how to translate future legislation into improved case working processes in practise

## **Annex B - Specific Impact Tests**

### **Small Firms Impact Test**

We have attempted to quantify the costs and benefits to Small Firms in line with the Small Firms Impact Test framework. Whilst we do not believe the simplification proposals will have unnecessarily adverse impacts on small firms, we recognise that there will be some transitional and ongoing costs, but we believe the proposals will also lead to ongoing savings. We have attempted to analyse the impact on small firms by estimating the percentage of small firms working in the following sectors, and using the distributions set out below. The ongoing costs identified apply only to the carrier industry, of which the majority are estimated to be large firms.

| <b>Size of Business</b> | <b>Employers</b> | <b>Private Lawyers</b> | <b>Immigration Advisers</b> | <b>Carrier Industry</b> |
|-------------------------|------------------|------------------------|-----------------------------|-------------------------|
| Micro business          | 89%              | 89%                    | 89%                         | 0%                      |
| Small business          | 9.10%            | 9.10%                  | 9.10%                       | 0%                      |
| Medium business         | 1.50%            | 1.50%                  | 1.50%                       | 5%                      |
| Large business          | 0.40%            | 0.40%                  | 0.40%                       | 95%                     |

#### Notes and Sources:

Employers: Small Business Statistics; assume Private Lawyers and Immigration Advisers equal UK average for Employers; assume majority of carriers (airlines and ferries) are large businesses due to nature of operations.

### **Legal Aid and Justice Impact Test**

We have attempted to quantify the costs and benefits to MOJ in line with the Legal Aid and Justice Impact Test framework. Whilst we do not believe the simplification proposals will have unnecessarily adverse impacts on MOJ, we recognise that there will be some transitional and ongoing costs, but we believe the proposals will also lead to ongoing savings. We have attempted to analyse the net impact on MOJ by estimating both the costs and benefits to MOJ, distributed across the following areas:

| <b>LAJIT Assessment</b>  | <b>Summary of Impacts</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HMCS - Magistrates Court | <ul style="list-style-type: none"> <li>- Training and familiarisation costs for Magistrates.</li> <li>- Some reduction in court costs as fewer Search Warrants required through courts for enforcement operations under part 8 proposals.</li> <li>- Minor reduction in court time from removal of court recommendations for deportation under part 5 proposals.</li> <li>- Potential impacts (costs and benefits) from changing balance of prosecutions against revised offences, but limited overall impact.</li> </ul> |
| HMCS - Crown Court       | <ul style="list-style-type: none"> <li>- Training and familiarisation costs for Crown Court Judges</li> <li>- Potential impacts (costs and benefits) from changing balance of prosecutions against revised offences, but limited overall impact</li> </ul>                                                                                                                                                                                                                                                                |
| CPS                      | <ul style="list-style-type: none"> <li>- Training and familiarisation costs for CPS staff.</li> <li>- Some reduction in prosecution costs simplified offences framework, but there will be a changing balance of prosecutions against revised offences, with limited overall impact -</li> <li>- Possible increase in conviction rates for specific offences but non-quantified impact.</li> </ul>                                                                                                                        |
| AIT (appeals)            | <ul style="list-style-type: none"> <li>- Training and familiarisation costs for AIT staff.</li> <li>- Minor increase in appeals and JR in years 1 and 2 due testing the new laws.</li> <li>- Minor reduction in ongoing appeals and JR costs due to simplified transparent laws.</li> </ul>                                                                                                                                                                                                                               |
| Legal Aid                | No impacts quantified at present. Possible increase in years 1 and 2 due to risks of appeals, but limited impact.                                                                                                                                                                                                                                                                                                                                                                                                         |

#### Notes and Sources:

MOJ staff breakdown taken from: CPS, AIT and HMCS business plans. Appeals assumptions based on most recent UKBA modelling assumptions

## Annex C – Non-Monetised Impacts

| Bill Part | Costs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Benefits                                                                                                                                                                                                   | Risks                                                             |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1         | Some transitional case-processing costs but low risk of any significant impacts                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Possible reduction in illegal migration which would reduce detection and enforcement costs, as well as illegitimate use of benefits and services in the UK.                                                |                                                                   |
|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Increased compliance should enhance social cohesion and integration of migrants in the UK                                                                                                                  |                                                                   |
|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Immigration status should be clearer and more easily understood by the general UK population and migrants themselves                                                                                       |                                                                   |
| 2         | No significant changes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | No significant changes                                                                                                                                                                                     |                                                                   |
| 3         | No evidence that there will be an increase in appeals. However any additional appeals in respect of the exercise of powers overseas will be exercisable from abroad only.                                                                                                                                                                                                                                                                                                                                                                              | Benefits around UKBA officers having wider and more consistent powers designated from the Secretary of State.                                                                                              | Risks of increased appeals against refusals when using new powers |
|           | There will be some operating process changes but it is not anticipated that these will increase overall costs.                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                            |                                                                   |
|           | There may be a slight increase in induction requirement for new staff as well as new arrangements for staff already in post when changes become effective.                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                            |                                                                   |
|           | Overseas powers: variable impacts dependent on roll out and external factors.<br>Border powers: clauses largely replicate existing provisions and will impact those arriving in and those departing from the UK who are currently subject to the processes covered by the powers. The extent to which the new clauses, as now with existing provisions, will impact will vary from person to person depending on a number of factors, including nationality and immigration entitlements but there should be limited changes from the current position |                                                                                                                                                                                                            |                                                                   |
|           | In-country: limited changes but potential to marginally increase the costs of processing cases.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                            |                                                                   |
| 4         | Possible increase in costs on MoJ/courts due to new sanctions, but we are unlikely to change the way we operate currently.                                                                                                                                                                                                                                                                                                                                                                                                                             | Increased numbers of out of country biometric refusals will reduce the numbers arriving in the UK who will need to be removed, claim asylum and be supported and arriving and claiming benefits in the UK. | Challenges on privacy and human rights grounds                    |



|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                  |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Increased controls should increase social cohesion and integration of migrants in the UK                                                                                                                                                                                                                                                             | Challenges on retention and use policy                                                                                                                                                           |
|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Fingerprinting Children may prevent adults using them fraudulently to claim benefits.                                                                                                                                                                                                                                                                | Challenges to range of powers.                                                                                                                                                                   |
|   | Slight risk of increased out of country appeals against exclusion orders, but low risk – with possible appeals to AIT and SIAC. The volume of exclusion cases that UKBA handles is relatively low compared to the number of enforcement cases handled across UKBA as a whole. The proportion that will be notified under the expulsion order regime is unlikely to alter significantly. The main difference will be that those who might previously have sought to JR the exclusion decision will be able to appeal against the expulsion order. | Enforcement costs may decrease if reliance can be placed on the original expulsion order without a new enforcement decision having to be made, e.g. at present if the subject of an extant exclusion decision arrives in the UK an immigration decision would have to be taken in order to administratively remove or deport the person from the UK. | Marginal risk of reduced tourism as some migrants will be expelled from UK for a longer period of time than currently. This risk is low and can be seen as desirable so has not been quantified. |
| 5 | Do not expect significant increase in enforcement costs in respect of expulsion used against those outside the UK. Enforcement costs would only arise if a person enters UK in breach of an expulsion order. This should be little different to the current situation regarding those who enter the UK despite an exclusion decision having been made against them.                                                                                                                                                                              | There may be a decrease in the number of in-country appeals but difficult to quantify. There may also be a decrease in JR's as person will have a Right of Appeal where previously they could only JR.                                                                                                                                               | Risk of increased JR against removals for in-country cases in year 1 to test legislation but low risk                                                                                            |
|   | Marginal increase in operational/process costs as powers extend to unmarried partners and same sex civil partners of those expelled.                                                                                                                                                                                                                                                                                                                                                                                                             | Potential but limited benefits to police.                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                  |
|   | Limited impacts on police - police will be affected depending on how forces prioritise immigration offences.                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                  |
| 6 | Potential but minor training impacts on employers of migrants                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Tougher bail conditions should reduce the numbers of people who abscond, reducing enforcement costs and benefiting the UK.                                                                                                                                                                                                                           |                                                                                                                                                                                                  |
|   | Potential costs associated with processing bail bonds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                  |
| 7 | Removal centre operators and escort providers will be covered by the legislation but there should be minimal or no direct impact on them or their staff                                                                                                                                                                                                                                                                                                                                                                                          | No significant changes                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                  |
| 8 | Potential short-run transitional costs for UKBA processing and cases as staff get used to new rules and their powers                                                                                                                                                                                                                                                                                                                                                                                                                             | May lead to change in enforcement costs to examine/search/detain/arrest/process cases                                                                                                                                                                                                                                                                | Risk that if there is an increased use of powers, it will disrupt business or individuals (due to extra searches), or displace use of other powers,                                              |
|   | Police, CPS and HMCS will require minor familiarisation with new legislation as part of Bill-wide                                                                                                                                                                                                                                                                                                                                                                                                                                                | Simplified legislation will increase the speed to search properties and reduce operation times                                                                                                                                                                                                                                                       |                                                                                                                                                                                                  |

|    |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                           |                                          |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
|    | awareness-raising.                                                                                                                                                                                                                                                                                                                               | Reduced demand for warrants will reduce costs to Magistrates courts: approx 1,000-2,000 cases and 15-30 minutes court time, plus 15-30 minutes clerk time)                                                                                                                                                | but powers will be used proportionately. |
|    |                                                                                                                                                                                                                                                                                                                                                  | Simplified legislation will reduce the time taken for private sector lawyers to find and understand law                                                                                                                                                                                                   |                                          |
|    |                                                                                                                                                                                                                                                                                                                                                  | Simplified legislation will reduce the time taken for third sector lawyers to find and understand law                                                                                                                                                                                                     |                                          |
| 9  | No significant changes                                                                                                                                                                                                                                                                                                                           | No significant changes                                                                                                                                                                                                                                                                                    |                                          |
| 10 | No significant changes                                                                                                                                                                                                                                                                                                                           | No significant changes                                                                                                                                                                                                                                                                                    |                                          |
| 11 | Possible transitional costs to UKBA.                                                                                                                                                                                                                                                                                                             | Better compliance with asylum laws                                                                                                                                                                                                                                                                        |                                          |
|    |                                                                                                                                                                                                                                                                                                                                                  | Increased voluntary return of those that should be actively seeking to leave, with potential benefits for developing countries                                                                                                                                                                            |                                          |
| 12 | Risk of some downtime for UKBA and OGD staff to understand new laws                                                                                                                                                                                                                                                                              | Increase in case-working efficiency where laws regarding data & info need to be checked, due to simplified legislation                                                                                                                                                                                    |                                          |
| 13 | No significant changes                                                                                                                                                                                                                                                                                                                           | No significant changes                                                                                                                                                                                                                                                                                    |                                          |
| 14 | Some seasonal carriers may require additional staff but difficult to accurately quantify the actual impacts and carriers should be conducting adequate document checks under current legislation.                                                                                                                                                | There is potential for a marginal reduction in irregular migration as more rigorous checks are undertaken before boarding. The reporting and registering of lost and stolen UK passports is also likely to impact on irregular migration by reducing the number of un-cancelled passports in circulation. |                                          |
|    | Risk of increased cases at Juxtaposed controls, and increase calls/costs to the Helpline (but this is uncertain and difficult to quantify)                                                                                                                                                                                                       | There may be very marginal downward pressure on asylum intake if fewer Inadequately Documented Arrivals arrive and can claim asylum (marginal as this relates to British Citizens and EEA nationals who are unlikely to claim asylum)                                                                     |                                          |
|    |                                                                                                                                                                                                                                                                                                                                                  | Some carriers will take steps to tighten checks on British Citizens & EEA nationals, in response to the penalty. Since juxtaposed controls see the largest number of Brit Cit EEA IDAs potential for some impact on ferry companies.                                                                      |                                          |
| 15 | No significant changes                                                                                                                                                                                                                                                                                                                           | No significant changes                                                                                                                                                                                                                                                                                    |                                          |
| 16 | There is a possibility that the Government could be challenged in the courts on the basis that it is unfair that such serious matters are independently overseen if they occur in England and Wales but those involved in a serious matter arising in Northern Ireland are not afforded similar levels of independent oversight over the matter. | Minimal impact on private and third sector - UKBA/PONI will consult on the policy with relevant interested stakeholders .Several third sector organisations have lobbied for the Government to implement this policy. Implementation will hence be welcomed by the Third sector.                          |                                          |

|    |                                                                                                                                                             |                                                                                                                                                                                                       |  |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 17 | Not included in draft Bill                                                                                                                                  |                                                                                                                                                                                                       |  |
| 18 | No change in the total spending on enforcement by UKBA. Resources in prosecutions for some offences will be offset by decreases in prosecutions for others. | Consolidating legislation will reduce case times, potentially allowing more prosecutions to be undertaken without increasing the cost to UKBA. This is could improve compliance with the legislation. |  |
|    |                                                                                                                                                             | Consolidating legislation will improve understanding by potential migrants, improving compliance with the legislation.                                                                                |  |
| 19 | No significant changes                                                                                                                                      | No significant changes                                                                                                                                                                                |  |
| 20 | No significant changes                                                                                                                                      | No significant changes                                                                                                                                                                                |  |