Equality Impact Assessment

1. Name and outline of policy proposal, guidance or operational activity

**UK’s Global Immigration System**

The UK exited the European Union on 31 January 2020. Following the UK’s exit from the EU, and after the agreed transition period ends on 31 December 2020, free movement will end. This means EEA citizens¹ and their family members and non-EEA citizens will both require permission to come to the UK and the Government will not distinguish between nationalities unless there is an objective reason to do so. From January 2021, the Government will institute a new border and immigration system to serve the UK public and support the economy. Those EEA citizens who were lawfully resident or who had Permanent Residence before the end of the transition period can still use free movement, as can their family members where the relationship pre-existed the end of the transition period.

This Equality Impact Assessment (EIA) sets out the consideration given to the public sector equality duty regarding policy formulation of the future immigration system, with a specific focus on impacts arising from those aspects of the system that will be significantly changed and implemented from January 2021 (namely the changes to the Skilled Worker route and the student and child student routes). This is an ongoing process and additional consideration focusing on the routes that are to be reformed at a later date will be added in the future.

**Points-Based System - an overview**

The Government will deliver a Points-Based System. A fundamental aim of the new system is that EEA and non-EEA citizens will be treated equally - the system will prioritise the skills a person has to offer, not their citizenship. As the independent Migration Advisory Committee (MAC) has noted: “The problem with free movement is that it leaves migration to the UK solely up to migrants and UK residents have no control over the level and mix of migration. With free movement there can be no guarantee that migration is in the interests of UK residents”². It will be open to EEA citizens on the same basis as non-EEA citizens, and individuals will need to meet specific criteria in order to enter the country. It will cater for skilled workers, students and will include a range of other routes, including those aimed at global talent and innovators, although many entry routes (such as Innovator) will not

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¹ For convenience of drafting, the term EEA in this document includes EU citizens, citizens of EEA countries and Swiss citizens

² Migration Advisory Committee: “EEA Migration in the UK: Final Report” September 2018
significantly change in 2021. Application fees will continue to apply under the new system as they do now, and will be payable by both EEA citizens and non-EEA citizens alike (see Appendix for summary of impacts).

Entry routes to the UK

From January 2021, there will be a Skilled Worker route which will be employer-led, and all applicants will be required to have a job offer from an approved sponsor. The job will need to be at a minimum skill level of RQF3 (A-level or equivalent) and above, and applicants will need to meet the English language requirements. The level of English language ability required is set at the appropriate level for each relevant route based on the Common European Framework of Reference for languages. The cap which currently applies to skilled workers will be suspended and the resident labour market test will be removed.

The MAC published its report on salary thresholds and Points-Based Systems on 28 January 2020. The Government accepts the MAC’s recommendation to lower the general salary threshold applicable to the Skilled Worker route from £30,000 to £25,600. Migrants will still need to be paid the higher of the occupational specific salary threshold and the general salary threshold. There will continue to be different arrangements for a small number of occupations where the occupation specific salary threshold will continue to be based on published pay scales. In line with MAC recommendations, salary thresholds for new entrants will be set 30% lower than the rate for experienced workers in any occupation. New entrants will need to be paid the higher of this reduced occupation-specific threshold or a reduced general threshold of £20,480. To be eligible for these reductions, a new entrant must be under the age of 26, a recent UK graduate, working in a postdoctoral role, or working towards a professional qualification.

For all skilled worker applicants, only the base salary (and not the allowances or pension contributions) will be used to determine whether the salary thresholds are met. There will also be no regional salary thresholds or different arrangements for different parts of the UK.

Those applying under the Skilled Worker route will be able to trade points gained for specific characteristics against their salary. Applicants will be able to earn less than the £25,600 minimum salary threshold if they are working in a shortage occupation or they have a PhD relevant to their job. The Government may in due course extend the list of attributes that will score points and will continue to review and assess the equalities implications as and when changes are made.

Students will also be covered by the UK Points-Based System and will need to demonstrate that they have an offer from an approved educational institution, speak English and are able to support themselves during their studies in the UK. There will be no limit on the number of international students who can come to the UK. Study time limits will no longer be applied.
to study above degree level. Additionally, there will be a new graduate route enabling international students who have completed their studies in the UK to remain in this country for two years.

The Government will not implement a dedicated route for those who do not meet the skills or salary thresholds. The Government will also not be creating a dedicated route for self-employed people, who will continue to be able to enter the UK under the Start-Up and Innovator routes.

Under the current immigration rules, there are a range of other immigration routes including those aimed at innovators, ministers of religion and sports people. The Government recently launched the Global Talent route which facilitates migration of those with a background in science, engineering, mathematics and the arts.

The Government’s broad approach for January 2021 will be that EEA citizens should avail themselves of these routes, that are already open to non-EEA citizens. This will include family and private life routes. From 1 January 2021, the family and private life Immigration Rules will apply to anyone wishing to make the UK their permanent home on the basis of their genuine relationships or their continuous residence in the UK.

2. Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

This document reflects the main equalities considerations for the key routes in the new Points-Based System, in particular the provision that will be made for skilled workers and students. In line with the on-going public sector equality duty, we will continue to consider the impact of the policy as it develops.

- The policies outlined in this EIA have been arrived at following:
  - consideration of all the relevant information, including this EIA and the analysis that has been produced in this EIA;
  - engagement with employers of migrants and third sector organisations who interact with migrants;
  - detailed consideration of the operational feasibility of a new immigration system;
  - evidence received from the MAC; and
  - consideration of previous and current EIAs which have been drafted for each different policy areas.

- The Government will review analytical evidence about the cohorts of migrants potentially affected by these policy changes.

- Further due regard will be given to equality issues in the development of the policies set out in the Policy Statement, published 19 February 2020,
in order to mitigate any adverse impacts. Any changes considered necessary will be made.

3. The public sector equality duty

The public sector equality duty under s149 of the Equality Act 2010 provides that public authorities must, when exercising their duties, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by that Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Under the Equality Act 2010, the nine specified protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief; sex; sexual orientation; and marriage and civil partnership (although this final characteristic is only required to be considered in relation to the first limb of the public sector equality duty).

Schedule 18 to the Equality Act 2010 sets out exceptions to the public sector equality duty. In relation to the exercise of immigration and nationality functions, s149(1)(b) of the Act (to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it) does not apply to the protected characteristics of age, race (insofar as it relates to nationality or ethnic or national origins) or religion or belief.

Schedules 3 and 23 to the Equality Act 2010 permit the authorisation of discrimination in relation to age, nationality, ethnic or national origins, or place or duration of residence in certain circumstances. This includes where the discrimination is authorised by the Immigration Rules.

However, although those provisions of the Equality Act 2010 mean that direct discrimination in such circumstances is lawful, we have still considered the justification for any such discrimination. This EIA therefore goes further than required by the public sector equality duty and considers all the proposals - regardless of whether any discrimination would be rendered lawful by operation of the Equality Act 2010 - through the framework of that Act.
3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

This EIA looks first at the overarching impact of the requirements of the immigration system on EEA citizens. It then goes on to consider the potential for direct and indirect discrimination in relation to the system as a whole, considering the potential impact to each protected characteristic in turn. For some characteristics there is no evidence, at present, to indicate that the proposal will have differential impacts in relation to that characteristic, but this will be kept under review.

Impact on EEA Citizens

As EEA citizens are currently able to come to the UK to work, study or join family members under EU Free Movement rules, EEA citizens who may in the future want to come to the UK for the purposes of work and study are the cohort that is likely to feel the biggest impact from the requirements of the future immigration system. This impact flows primarily from the end of free movement. Following the UK’s departure from the EU, and once the transition period under the Withdrawal Agreement has ended, free movement will end. EEA citizens will no longer have rights under EU law to come to the UK. As such, the Government does not think there is any objective justification for continuing preferential treatment and the Government believes that it is fair and appropriate to impose the same requirements on EEA citizens as on non-EEA citizens wishing to come to the UK.

The agreements the UK has reached with the EU, Switzerland and European Economic Area European Free Trade Association states mean that citizens of those countries resident in the UK before the end of the transition period on 31 December 2020, and their family members, are able to continue to live and work in the UK. Their rights to healthcare, work arrangements and access to benefits continue, and their existing close family members currently living outside the UK are able to join them in future.

EEA, Swiss and non-EEA citizens who are not covered under the agreements described above will require permission to come to the UK and the Government will not distinguish between nationalities unless there is an objective reason to do so. This will include work, study, family and other immigration routes.

The most recent data suggests in the year ending December 2019\(^3\) long-term net migration to the UK was 270,000, made up of net inflows of around

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282,000 non-EU citizens and 49,000 EU citizens⁴, and a net outflow of 60,000 UK citizens. In the year to December 2019 immigration to the UK by EU citizens was 196,000, while emigration from the UK by EU citizens was 147,000, equivalent to an overall net migration to the UK by EU citizens of +49,000. Immigration of non-EU citizens was 404,000 while emigration was 122,000, giving net migration of non-EU citizens of +282,000.

A person’s decision on whether to and where to migrate can be influenced by a wide range of factors, with the migration policy of the receiving state being just one of these factors. It is important to take account of these external factors when assessing the impacts of migration policy.

The Impact Assessment for the Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2020⁵ assesses the impact of the February 2020 Policy Statement on long-term EEA work-related migration. It assesses, with several caveats, that the annual inflows of EEA long-term workers are estimated to reduce around 70 percent following the impact of the skill threshold and salary threshold; reducing inflows to between 20,000 and 40,000 per year in the first five years of the proposed policy⁶. This analysis is an initial assessment of impacts and does not consider potential behavioural responses of firms and migrants; it also does not account for the impacts of Covid-19. It is estimated around 50 per cent⁷ of resident EEA migrants work within occupations with a skill level below RQF3. Long-term inflows to these occupations would not be eligible for the Skilled Worker route.

While the modelled impact on long-term EEA work-related inflows is expected to be substantial, baseline EEA inflows represent a relatively small proportion of the total resident workforce. Shares range from around 0.1 to 1.4 per cent of overall sector workforce depending on the sector considered⁸.

This impact on EEA citizens is justified. The Government will be introducing a skills-led immigration system for both EEA and non-EEA citizens; welcoming individuals based on the skills they to offer and how they will contribute to the UK’s economy and not their nationality. EEA citizens arriving after the end of Free Movement are not in a comparable position to those who arrived before the UK left the EU or during the transition period, both in terms of their entitlements and their expectations. They are effectively in the same position as any other citizen wishing to migrate to the UK to work or to study and it is

⁴ Statistics in this section includes Irish citizens but do not include EEA or Swiss
⁶ Range around projected inflows based on the average predicted error (Root Mean Square Error) of regression. This is a measure of how well the projection predicted historical data points but does not capture all uncertainty. For further detail see Technical Annex published alongside this document. Rounded to the nearest 10,000
⁷ Home Office analysis of ONS Annual Population Survey 2016-18
right that there is a single global system that applies to them. This ensures fair and consistent treatment of applicants, whatever their nationality.

The Government wants to attract talent from across the world to complement the skills already here and to drive the British economy forward, including scientists, innovators, health professionals, construction workers, academics and teachers.

The new skills threshold and salary threshold will be applied equally to both EEA and non-EEA citizens. This will represent a change in the thresholds that non-EEA citizens are currently required to meet, as well as a change for EEA citizens who had previously come to the UK to work under freedom of movement rules. Predicting the impact of changing the salary threshold and skills threshold is highly uncertain as it is dependent on employers’ behaviour and the potential supply of eligible non-EEA labour, which are unknown. However, the Impact Assessment for the Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2020 provided a number of illustrative scenarios which suggest an annual increase in non-EEA workers of between 10,000 to 30,000, depending on modelling scenarios. The policy may therefore offer greater opportunities to employers looking to source skilled labour from outside the UK and EEA. The characteristics of these migrants are unknown as the pool of eligible non-EEA citizens who meet the requisite skill and salary threshold is unknown.

Age

Direct discrimination

The Skilled Worker route is aimed at migrants coming to the UK to take up employment, usually on a full-time basis. It will directly discriminate on the basis of age as it will only apply to those aged 18 and over, reflecting the majority of existing economic migration routes. Schedule 3 of the Equality Act 2010 permits direct discrimination on the basis of age in relation to the exercise of functions by ministers or other authorised persons under the Immigration Acts. However, we have still considered the justification for such discrimination and the impact on equalities and any mitigations.

This discrimination between those under the age of 18 and those aged 18 and above is justified on the basis of protecting minors from potentially exploitative working conditions. The term ‘child’ is considered to include anyone under the age of 18. The competent authority guidance, which advises staff in the Single Competent Authority, notes the added vulnerability of children and acknowledges that it is not possible for a child to give informed consent to

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10 https://www.antislaverycommissioner.co.uk/media/1059/victims_of_modern_slavery_-_ competent_authority_guidance_v3_0.pdf
potentially exploitative employment conditions. In light of this, restricting these routes to people aged 18 and over, is justified and lawful.

Potential indirect discrimination

Skilled Worker route

The MAC’s recommendations on skill and salary levels represent a change in restrictions for non-EEA citizens coming to the UK through the current Tier 2 (General) route. The policy may therefore offer greater opportunities to employers looking to source skilled labour from outside the UK and EEA. In 2018/19 around 7% of Tier 2 (General) out of country visas issued were under 24; 67% were aged 25-34; and 27% were aged 35 or over. From 1 January 2021 EEA citizens will also need to meet the criteria in the immigration rules, including the skills and salary thresholds. EEA citizens in the UK tend to be young or of working age. Home Office estimates based on the Annual Population Survey (APS January – December 2019) suggest that just under 20% of the resident population of EEA citizens (excluding Irish citizens) are aged under 16, just under 80% are aged 16-64 and the remainder are aged 65 or over. The skills and salary thresholds may have a particular impact on younger EEA workers and, although they broaden out the route for non-EEA citizens, may continue to have an impact on younger non-EEA workers. However, the characteristics of future migrants who will be affected by the change in policy restrictions are unknown as the pool of eligible non-EEA citizens who meet the requisite skill and salary threshold is unknown.

Imposing salary thresholds on both non-EEA and EEA citizens may disproportionately affect younger workers, who tend to earn less. Amongst the UK workforce, there is a strong relationship between earnings and age. Annual Survey of Hours and Earnings (ASHE) 2019 data indicates that male and female median full-time gross annual earnings increase with age until reaching the 40-49 age group, where it subsequently begins to decrease. As an example, the ASHE data indicates that UK full-time annual gross pay for the 22-29 age group is £25,057, but this increases by 38% to reach £34,633 for the 40-49 age group.

The Government is proposing to lower the general salary threshold from its current level to £25,600 and in addition to this will apply 30% lower thresholds for new entrants, to a lower limit of £20,480. The new entrant threshold is based on MAC analysis which considered the median earnings of new entrants (those up to three years after leaving full time education) relative to

11 Internal Home Office analysis
13 https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/agegroupdawetable6
overall median earnings. These changes are considered proportionate and justified to protect sponsored workers from being unfairly exploited and underpaid by sponsors. They will help ensure sponsored workers are paid enough to support themselves, given they will not have access to public funds.

With a 30% reduction for new entrants, Home Office analysis suggests that applying an RQF3 skills threshold and MAC recommended salary thresholds for the Skilled Worker route\(^\text{15}\) could disproportionately affect younger workers, with the main affected group being between 20-29. Using APS 2016-2018 data, it is estimated that around 35% of baseline EEA worker inflows under freedom of movement are under the age of 26, but this decreases to around 30% when applying skill and salary thresholds. These estimates carry considerable uncertainty, as they are based on high-level analysis of the age profile of recent EEA inflows who came to the UK for work-related reasons\(^\text{16}\).

It is estimated that around 75% of current EEA worker inflows under freedom of movement are under the age of 35 and this estimate remains unchanged when subject to the Skilled Worker route thresholds\(^\text{17}\).

The skill and salary thresholds are necessary elements of the Points-Based System to ensure that the system is facilitating the migration of skilled workers, that those migrants are treated fairly when then arrive and that UK wages are protected. The minimum salary floor has been set to reflect these considerations and ensure individuals are able to support themselves whilst in the UK, given they will not have access to public funds.

Pro-rating of salaries was introduced to avoid exploitation of workers. As outlined in the MAC report on a Points-Based System and Salary Thresholds for Immigration\(^\text{18}\), salary thresholds, including the going rates, are intended to prevent undercutting in the labour market and help ensure migrants provide positive fiscal contributions.

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\(^\text{15}\) Experienced thresholds are set at the highest of the general threshold of £25,600 or the occupation specific threshold set at the 25th percentile. Modelling also includes new entrant thresholds set at 30 per cent below the experienced threshold. Except for 24 public sector occupations – where public sector pay bands are used for both experienced and new entrant workers.

\(^\text{16}\) To estimate the age profile of worker inflows, the analysis of 2016-2018 APS data considers the age on arrival of those who say their main reason for migrating to the UK was for work and who arrived in 2012 or later, split by current occupation, using nine major occupation groupings (1-digit SOC codes). For further detail see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/885668/2020-05-18_Technical_Annex_-_Immigration_Bill_IA.pdf

\(^\text{17}\) To estimate the age profile of worker inflows, the analysis of 2016-2018 APS data considers the age on arrival of those who say their main reason for migrating to the UK was for work and who arrived in 2012 or later, split by current occupation.

In its report, the MAC concluded that “salary thresholds can help ensure that migrants are helping to improve the public finances: of every extra pound in earnings approximately 50p goes to the state, and they can help realise the ambition of the UK as a high wage, high skill, high productivity economy” 19. Although setting the salary threshold at the proposed levels may impact on certain age groups, the Government considers it is justified in order to protect the level of wages earned in the UK and to ensure that migrants are able to support themselves without relying on public funds.

Students

The student routes are mostly used by those under 30 so any amendments to these routes may disproportionately affect younger adults and children, both EEA and non-EEA citizens. The Higher Education Statistics Agency (HESA) provides data on students at HE level. It found that the total number of international students in HE in the UK has increased by around 10 per cent between 2014/15 and 2018/19 20, with the latest data suggesting around 140,000 EU domiciled 21 and 340,000 non-EU domiciled students were enrolled in higher education institutions (HEIs) in the UK 22. HESA data (2017 – 2018)[1] suggests that, within higher education, the majority of EEA Undergraduates and Postgraduates (taught) are 24 years old or younger. For EEA Postgraduates (research) the majority of students are under 30 years old. If the Government assumes that this is the age profile of future prospective inflows of both EEA and non-EEA citizens who will be impacted from the new rules on student migration, younger age groups are likely to be disproportionately affected. However, this reflects the general trend that people are more likely to study when they are younger, and we do not prevent older students accessing the student route. There is no upper-age limit on individuals who wish to study to in the UK, providing they can meet the criteria set out in the Immigration Rules; that they have an offer from a licensed student sponsor, speak English and are able to support themselves during their studies in the UK.

The route for child students is not open to applicants over the age of 18 and the general student route is only open to applicants over the age of 16. Although there are some differences in the requirements for each of these routes, most of these are to ensure that a sufficient level of safeguarding of children via proposed care arrangements is met. This is in line with various UK legislation around statutory duties of care that applies to schools, carers

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20 This is rounded to the nearest 5%.

21 EU domiciled students include Irish students. However, they will not be subjected to immigration restrictions under FBiS. Of the individual domicile data that is available on HESA, it indicates that Irish students only account for a small proportion of EU students (around 5%) so it is unlikely to significantly impact the overall results.

22Higher Education Statistics Agency (HESA) 2018/19 “Where students come from and go to study” Figure 8. Figures may not sum to rounding and are rounded to the nearest 10,000. https://www.hesa.ac.uk/news/16-01-2020/sb255-higher-education-student-statistics/location

and parents. There is also a duty for the Secretary of State to safeguard and promote the welfare of children under section 55 of the Borders, Citizenship and Immigration Act 2009.

**Interaction with other immigration routes**

Non-EEA citizens are already required to meet the requirements of the immigration routes to work in the UK.

Up until the end of December 2020 EEA citizens at all skill levels can come to the UK to work. From January 2021 EEA citizens that do not meet the required skills threshold for the Skilled Worker route or the criteria for other permanent routes will primarily rely on temporary routes, currently in Tier 5, that allow work. Tier 5 routes cater for relatively niche areas of the labour market, including charity, Religion, creative and sport. Limiting flows of short-term employment of EEA citizens to Tier 5 routes may disproportionately affect younger adults. This suggests following the end of free movement and opening up of Tier 5 routes to EEA citizens, volumes of short-term EEA citizen work flows reduce from the baseline. Should short-term EEA citizen work flows reflect the age profile of longer-term EEA migrants, then they may predominantly be younger adults with few dependants.

Separately, there is no designated route for self-employed workers under the new system. Data shows the proportion of self-employed workers increases with age and could imply that older age groups may be disproportionately affected. Annual Population Survey data suggests that around 50% of economically active over 70’s are self-employed, compared to around 10% of 20 – 35-year olds being self-employed. However, it is unknown what proportion of EEA migrants who come to the UK are self-employed and may be able to switch to employed work and thus continue to migrate through the Skilled Worker route. Furthermore, self-employed individuals will continue to be able to enter the UK under the Global Talent and Innovator routes and will in due course be able to benefit from the proposed unsponsored route for highly skilled workers.

**Disability**

**Skilled Worker route**

An income threshold is already a feature of the current immigration rules and the general salary threshold is set at £30,000. Under the new system, applicants for a Skilled Worker route will usually be required to earn £25,600 or the ‘appropriate rate’ for their occupation - whichever is higher.

The Government is aware that prescribing a minimum salary threshold may have differential impacts on people on the basis of whether they have a

disability. Internal Home Office analysis found that median annual pay was consistently higher for non-disabled employees than for disabled employees, meaning that people with a disability may find it disproportionately more difficult to meet the salary threshold. In 2019, median pay for non-disabled non-UK national employees in skilled occupations (RQF 3+) was 17% higher than disabled non-UK employees in skilled occupations. For disabled EEA national employees in skilled occupations, the gap is 12%. For non-EEA citizens, the gap is 35%; a significantly higher difference than their EEA counterparts 24.

The Government is proposing to lower the general salary threshold from its current level to £25,600, which will reduce the scale of and mitigate the different impact on people with a disability (although will not completely eliminate it). The Government maintains that the salary threshold is an important feature of the Immigration Rules both to protect the level of wages earned in the UK as well as ensuring that migrants can support themselves and make a positive net contribution to the UK. As such, any indirect discrimination is considered proportionate and justified.

This policy proposal may also indirectly discriminate on the basis of disability as migrants travelling on economic migration routes are not likely to be eligible to access public funds. This may mean that individuals with a disability who rely on public funding to support their daily living may not be able to make full use of some of all immigration routes. The Government believes that this potential indirect discrimination is justified due to the necessity of protecting the public finances from migrants travelling to the UK with the purpose of accessing state benefits.

Students

No impacts have been identified to indicate that those falling within the protected characteristic of disability will be particularly affected by the proposed policy and Rules changes on students as set out in section 1 above. However, this, along with the rest of the EIA will be kept under review.

Interaction with other immigration routes

As set out above, those who are unable to meet the requirements of the Skilled Worker route or other permanent immigration routes but who still wish to work in the UK will primarily rely on temporary work routes. This is currently the position for non-EEA citizens, but there could be a new impact on those with a disability who would previously have been able to rely on free

24 Internal Home Office analysis of Annual Population Survey January - December 2019. APS is not the primary data source for earnings analysis in the UK – that is ASHE data. APS is self-reported and as such is likely to be subject to a higher degree of recall error. APS also has relatively small sample sizes as earnings questions are asked only to employees and only in 40% of the interviews carried out in each quarter. However, APS provides a greater range of personal and household characteristics; making APS more suitable for analysis purposes, in this case, over ASHE.
movement but who do not meet the requirements of these routes. We have not identified any other specific impacts, but will keep this under review.

**General**

The planned digitalisation of the application process may disadvantage some disabled persons with accessibility needs. Assuming UK residents reflect future applicants’ use of the internet, the ONS survey referenced above of ‘Internet users in the UK’, for Q1 2019, found that 18% of disabled adults had never used the internet[1]. Details of the system’s accessibility are yet to be announced but aim to minimise negative impacts of the digitalisation of the process for protected characteristic groups, such as the disabled.

To mitigate this the Government, as it has with all current visa/immigration routes, will ensure that all online forms are tested and designed to ensure, as much as practicable, accessibility for those with literacy and capability restrictions, meeting the Government Digital Service’s Accessibility Standards.

The Home Office will also continue to provide an Assisted Digital Service for those who are eligible to apply in-country. Customers who do not have the access, skills or confidence to use digital services on their own can contact the Assisted Digital Service by telephone, text or email. Their requirements are discussed to establish their eligibility (no immigration advice is provided), and customers are triaged to one of 3 types of support:

- telephone support to complete the online form
- face-to-face support at a library (with a library staff member) to access and complete the online form – either at an appointed time, or walk-in
- face-to-face support at home to access and complete the online form with a ‘tutor’

The Assisted Digital Service is a further mitigation. It is available to anyone in the UK, free of charge. However, Tier 2 applicants, along with other sponsored migrants, including students, are expected to seek the assistance of their UK-based sponsor in the first place.

**Gender Reassignment**

No impacts have been identified that would indicate that those falling within the protected characteristic of gender reassignment will be particularly affected by the proposed policy and Rules changes set out in section 1 above. However, this, along with the rest of the EIA will be kept under review.

**Marriage and Civil Partnership**

**Points-Based System**

The Points-Based System will be open to EEA citizens on the same basis as non-EEA citizens. It will cater for skilled workers, students and a range of other routes including those aimed at global talent and innovators. If an individual is dependent on a main applicant, they will need to qualify via a dependent visa, the family route, or on their own study or work visa.

As now, non-EEA citizens, including those who are married or who are in a civil partnership, will be able to apply to come to the UK under the UK’s Points-Based Immigration System, as long as they meet the requirements for their chosen route. These rules will also apply to EEA citizens arriving from January 2021 under the new Points-Based System. This represents a change for those who would, if they arrived now, be exercising free movement rights, and may mean more stringent criteria apply that would be the case if they chose to exercise their current rights. However, the Government considers this is justified on the basis that it is fair and appropriate to have a single global system that is applied consistently to all nationalities. Separate arrangements are available for those who are eligible for the Settlement Scheme.

No other specific impacts have been identified but this will be kept under review.

**Pregnancy and Maternity**

The Points-Based System will be open to EEA citizens on the same basis as non-EEA citizens, including those who fall within the protected characteristic of pregnancy and maternity. It will cater for skilled workers, students and a range of other routes including those aimed at global talent and innovators.

**Skilled Worker route**

The salary requirement for the Skilled Worker route could have an impact on those who are pregnant or who are on maternity. Those on maternity leave will not usually receive full pay. This could impact their earnings and their ability to meet the salary threshold requirement. While pay reductions during maternity leave itself are provided for, there is no current allowance for phased return or reduced hours.

The MAC has looked at part-time workers. In its latest report on a Points-Based System and Salary Thresholds, the MAC recommended not adjusting general threshold levels to accommodate part-time working. It suggested that adapting the system in this way could result in increased abuse and that where part-time earnings are high enough to meet the full-time threshold, migrants will still be able to enter the UK and work.
The Government is proposing to lower the general salary threshold from its current level to £25,600, which will reduce the scale of the differential impact (although will not completely eliminate it). Going rates for individual occupations may be pro-rated; it is only the general threshold which may not.

The Government believes that the salary threshold is an important feature of the Immigration Rules both to protects the level of wages earned in the UK as well as ensuring that migrants can support themselves and make a positive net contribution to the UK.

**Students**

No impacts have been identified that would indicate that those falling within the protected characteristic of pregnancy and maternity will be particularly affected by the proposed policy and Rules changes on students as set out in section 1 above but this will be kept under review.

**Interaction with other routes**

No specific impacts have been identified but this will be kept under review.

**Race (including ethnic or national origins, colour or nationality)**

*Direct discrimination*

By creating a single system, where EEA citizens will largely be subject to UK immigration control in the same way as non-EEA citizens, the Government will be promoting equality of nationalities within the Future Border and Immigration System.

However, as is the case in the current system, the Government will continue to authorise direct discrimination on the grounds of nationality in three ways as a necessary and justified part of the system:

1. Irish citizens will continue to be treated differently from other nationalities;
2. Distinctions will sometimes be made between nationalities on the basis of international agreements; and
3. Distinctions will sometimes be made between nationalities on the basis of objective evidence about compliance and security risk.

Schedules 3 and 23 of the Equality Act 2010 permit direct discrimination on the basis of nationality, ethnic or national origins, place of ordinary residence and duration of presence or residence in relation to the exercise of functions by ministers or other authorised persons under the Immigration Acts. We have nevertheless considered the justification for that discrimination.
Irish citizens

The number of Irish citizens residing in the UK is estimated at around 300,000\footnote{Unpublished Home Office analysis of Annual Population Survey January - December 2019. Data is rounded to nearest 0.1m.}. The rights of Irish citizens in the UK will be protected given the longstanding historical and political context which means that Ireland and the UK have a unique relationship. These rights are rooted in existing legislation (the Ireland Act 1949) and as provided for by the Belfast (‘Good Friday’) Agreement. The rights of Irish citizens to work, study, and reside in the UK will continue as now.

International agreements

As part of our negotiations with trading partners, the Government may agree specific provisions on mobility that will result in citizens of those countries being treated differently from others.

Further analysis will be undertaken as and when agreements are made.

Risk assessment of nationalities

Some proposed policies might apply only to some nationalities on the basis of risk. These policies include, but might not be limited to, allowing access to e-gates, visa regimes, in-country switching and reduced documentary requirements for students. These could apply to low-risk nationalities either if the Government decides to implement these unilaterally (in which case they could be reconsidered at any time) or as part of reciprocal binding commitments within an international agreement.

The immigration system already differentiates by nationality, authorised by the Equality Act 2010. This includes through visa regimes, visa waivers, ministerial authorisations, and appendix H (setting out the different levels of evidence that students must submit, based on their nationality).

The Home Office uses objective evidence to differentiate by risk. Decisions on whether a country’s citizens are deemed low risk or not are made considering a wide range of factors using both open source and internal data. This can include, but is not restricted to, data relating to security issues, criminality issues, compliance with the UK’s immigration system, and the ability to return a country’s citizens. The differentiation based on nationalities is therefore justified by security and immigration risk-based assessments of the relative risk that a country’s citizens pose to the UK’s border and national security. The level of discrimination is therefore justified and reasonable.

Ultimately, the aim is to mitigate this by moving to a more person-centric system, whereby the level of individual risk that a migrant would be perceived
to pose to the UK would depend on a range of factors, including past compliance and nationality.

Changes to Appendix H

Citizens of Appendix H countries, or who hold a passport from a relevant competent authority, are subject to reduced documentary requirements when applying under the Student route. In the future system, EEA citizens will be included in those listed in Appendix H. Discrimination is limited to only a reduced requirement for documentation to be submitted in respect of applicants from Appendix H countries. All applicants still need to meet the full requirements of the route and we can request the full documentation if required. Furthermore, a random sample of applicants are automatically asked to provide all documents as part of the application process.

Assessing which citizens should be included in Appendix H

The selection of countries to be included in Appendix H is based on an objective risk-based method.

Countries with fewer than 100 Tier 4 applicants in the 12-month period reviewed have been excluded from inclusion in Appendix H. This is because any country with a low number of applicants does not have a statistically relevant pool of applicants which can be used to assess whether they present a low risk.

We believe that it is reasonable and rational to consider factors, factors relating to national security, when making a final decision on whether to include a given country in Appendix H, when those factors relate to the promotion of other important Home Office policy objectives.

We believe that the policy objective of reducing documentary requirements for low risk applicants is rational and that the criteria used to select the countries which are included in Appendix H are objective and rational.

Data used to determine risk and Appendix H inclusion is not currently held on EEA citizens. As these citizens may currently enter the UK for study without being subject to immigration control and there is no current data to suggest that they will present a significant risk in the future system, we have decided that inclusion in Appendix H is a proportionate means of delivering an immigration system for international students that represents value for money to the public. The composition of Appendix H will subject to regular review.

Potential Indirect Discrimination

Where differential treatment has the potential to impact on those who possess one or more protected characteristics, consideration has been given to the proportionality of that impact in achieving the legitimate aim of creating an
immigration system that delivers value for money, operating to the public good and bringing economic prosperity to the UK. It is the Government’s view that where these impacts have been identified, the proposed policy changes can be objectively justified as proportionate in delivering a legitimate aim.

**Skilled Worker route**

The introduction of an employer led Points-Based System will require applicants to meet the English language requirements. This will naturally favour nationalities who come from predominantly English language speaking countries. It is the Government’s belief that this difference is justified on the basis that the ability to speak English to a reasonable level is necessary to allow a migrant to conduct daily life in the UK, to make a contribution to the labour market and the economy and to encourage social cohesion in the communities that they join. A study conducted by the Ministry of Housing, Communities and Local Government found that the provision of Community-Based English Language (CBEL) can promote social integration.

Additionally, the MAC (2014) found that “lack of English language skills […] can create barriers to migrant workers reporting incidents of exploitation”. Therefore, the English Language requirement could help reduce exploitation of migrant labour. The English language requirement will continue to be set at level B1 (intermediate), meaning there is no change from the current Tier 2 (General) category requirement.

Internal Home Office analysis suggests that currently those from BAME backgrounds are slightly underrepresented in skilled occupations. Of all non-UK citizens currently working in the UK around 34% are from BAME backgrounds. However, around 33% of all non-UK citizens working in skilled occupations (RQF3+) are from BAME backgrounds.

As well as this, internal Home Office analysis found that, in 2019, median pay for EEA non-BAME migrant employees in skilled occupations (RQF 3+) was 20% higher than EEA BAME migrant employees in skilled occupations. During the same period, median pay for non-BAME non-EEA employees in skilled occupations (RQF3+) was 9% higher than BAME non-EEA employees in skilled occupations. The salary threshold could mean that these statistics are reflected in those who are able to use the route. The underlying discrepancy on pay will require a significant shift in the wider labour market and it is unlikely that the immigration system itself can be used to address it directly. However, as outlined above, the salary threshold will avoid

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undercutting the labour market and will ensure that workers are paid at an appropriate level for the job.

Tradeable points for educational qualifications may indirectly discriminate against certain nationalities due to variations in the difficulty of verifying the equivalency and genuineness of qualifications from different countries. We will work with UK NARIC to minimise these variations as far as possible. To the extent that difficulties remain, the Government considers that they are likely to be justifiable to maintain the integrity of the immigration system against abuse. However, this will be kept under review.

**Student route**

Proposed changes to both the General and Child sub-categories of the Student route may discriminate indirectly based on the protected characteristic of race. Consideration that has been given to the impact of these policies is detailed below.

**Safeguarding**

Changes to sponsor guidance regarding safeguarding of children could lead to different treatment of sponsored international students compared to those with home student status if a sponsor applies a different standard of care to students who are not British citizens or who are not settled in the UK. This would not however, be a decision made by the Home Office.

**Academic engagement**

The existing attendance monitoring policy (which imposes a duty on sponsors to inform UKVI if a sponsored student ceases to attend academic activities related to their course) is being replaced by a new academic engagement policy. This duty requires sponsors to implement an institution-wide policy to track all sponsored students’ academic engagement with their course. Sponsors will be required to report to UKVI if a sponsored student falls below an acceptable level of engagement, and explain what action is being taken. This policy could lead to different treatment of international students arising from the protected characteristic of nationality. This policy is proportionate in achieving the aim of delivering an immigration route for students that ensures a migrant complies with the conditions of their leave around study in the UK and to guard against abuse from non-genuine students.

The other proposed changes to policy and Rules outlined in 1.1 above are not considered to have a particular impact on those possessing the protected characteristic of race.

**Other immigration routes**

As set out above those who are unable to meet the requirements of the Skilled Worker route or other permanent immigration routes but who still wish
to work in the UK will primarily rely on temporary routes. The temporary routes focus on particular sectors and roles and there may be an impact on the protected characteristic of race (for both EEA and non-EEA citizens) where, for example, there is a disproportionate representation of some races compared to others in a particular sector. This will depend on the specific routes. No specific impact of the immigration measure has been identified but this will be kept under review.

**Religion and belief**

Direct discrimination based on nationality might potentially lead to different impacts based on religion/belief. This is most likely to be because of a correlation between nationality and religion. For example, maintaining the Common Travel Area may favour Christians as that is the predominant religion in Ireland. However, this can be justified as proportionate in achieving the aims of protecting the rights of Irish citizens in the UK given the longstanding historical and political context of Ireland and the UK’s unique relationship.

As outlined above, the future system intends to bring EEA citizens and non-EEA citizens under the same UK laws and Immigration Rules. The Government will be promoting equality of nationalities within the future system which is justified for the reasons set out above. Any indirect impact on religion or belief can similarly be justified. Nothing else has been identified that would indicate that those falling within the protected characteristic of religion or belief will be particularly affected by the proposed policy and Rules changes.

**Sex**

*Skilled Worker route*

The International Passenger Survey 2018 estimates roughly half EU inflows in 2018 were male (49%) and half female (50%). Similarly, 52% of non-EU inflows were estimated to be female and 48% male.

An income threshold is already a feature of the current immigration rules. Applicants for a Tier 2 work visa are currently required to earn £30,000 or the ‘appropriate rate’ for their occupation - whichever is higher.

The MAC’s recommendations from its report on Salary Thresholds represent a change in restrictions for non-EEA citizens coming to the UK through the current Tier 2 (General) route. The policy may therefore offer greater

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opportunities to employers looking to source skilled labour from outside the UK and EEA.

In 2018/19 around 47% of Tier 2 (General) out of country visas were issued to females and 53% to males. However, the characteristics of future migrants who will benefit from a loosening of policy restrictions are unknown as the pool of eligible non-EEA citizens who meet the requisite skill and salary threshold is unknown.

The Government is aware that prescribing a minimum salary threshold could have differential impacts on individuals on the basis of their sex. Women may find it disproportionately more difficult to meet the threshold than men. Although the gender pay gap for all employees is gradually closing, it is still present, for all employees it fell from 17.8% in 2018 to 17.3% in 2019. However, amongst full-time employees it stands at 8.9%, little changed from 2018, and a decline of only 0.6 percentage points since 2012.

As the general salary threshold is not pro-rated, it may also disproportionately affect women who are more likely to work part-time. Latest ONS analysis of the Labour Force Survey (LFS) found that 13% of men in employment work part time whilst 41% of women in employment work part time. Although, in the 3 months up until March 2020, the female employment rate was at a record high of 73% this was still 7 percentage points lower than their male counterpart.

The MAC looked at the potential impact of salary threshold on part-time workers in its last report and recommended not adjusting threshold levels to accommodate part-time working. It suggested that adapting the system in this way could result in increased abuse and that where part-time earnings are high enough to meet the full-time threshold, migrants will still be able to enter the UK and work.

The Government is proposing to lower the general salary threshold from its current level to £25,600, which will reduce the scale of the different impact on women (although will not completely eliminate it).

The Government however maintains that the salary threshold is an important feature of the Points-Based System. The minimum salary threshold floor ensures individuals are able to support themselves whilst in the UK, given they will not have access to most public funds. Going rates are intended to

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31 Internal Home Office management information
32 https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/genderpaygapintheuk/2019
33 https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/fulltimeparttimeandtemporaryworkersseasonallyadjustedemp01sa
34 ONS analysis Labour market overview, UK: May 2020
avoid exploitation of workers by preventing undercutting in the labour market. Therefore, these changes are considered proportionate and justified.

**Students**

No impacts have been identified that would indicate that those falling within the protected characteristic of sex will be particularly affected by the proposed policy and Rules changes relating to students as set out in Section 1.

**Interaction with other immigration routes**

As set out above those who are unable to meet the requirements of the Skilled Worker route or other permanent immigration routes but who still wish to work in the UK will primarily rely on temporary routes. The temporary routes focus on particular sectors and roles and there may be an impact (both EEA and non-EEA citizens) on the protected characteristic of sex where roles are associated more strongly with a particular gender. This will depend on the specific routes. We have not identified any specific impact, but this will be kept under review.

**Sexual Orientation**

No impacts have been identified that would indicate that those falling within the protected characteristic of sexual orientation will be particularly affected by the proposed policy and Rules changes set out in section 1 above. However this, along with the rest of the EIA will be kept under review should this change.

**3b. Consideration of limb 2: Advance equality of opportunity** between people who share a protected characteristic and people who do not share it.

This limb of the duty does not have to be considered in relation to the exercise of functions by ministers or other authorised persons under the Immigration Acts in respect of race (excluding colour), religion or belief and age.

The Equality Act specifies that this limb involves having due regard to three specific aspects:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

As set out above, the Points-Based System will be designed in such a way as to be practically accessible to all EEA and non-EEA citizens, including those with relevant protected characteristics, as a means of advancing equality of opportunity.

Ahead of the launch of the Points-Based System in January 2021, the Government is undertaking a programme of engagement to raise awareness of the new system, ensuring those affected by the changes are fully aware of what it means for them and understand how the system will operate. We are also working closely with stakeholders to understand their views on the implementation of the Points-Based System. Engagement via multiple methods, across the whole of the UK.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Equality Act specifies that having due regard to this limb involves, in particular, considering the need to:
(a) tackle prejudice; and,
(b) promote understanding.

The future system intends to bring EEA citizens and non-EEA citizens under the same UK laws and Immigration Rules. The impacts of immigration are complex.

Migration, and changes in migration flows, can have impacts on communities. Community impacts include access to local housing, congestion, access to public services, environmental impacts and crime. These are particularly difficult to quantify, as the MAC has found36.

The perceived impact of the above proposals on the resident population and communities is unknown. Evidence on the impact of migration on communities is limited. Of the evidence available, there is little suggestion of migration having a significant impact, either positive or negative, on communities. The MAC37 concluded that “There is no evidence that migration has reduced the average level of subjective well-being in the UK.” Where the

37MAC 2018: EEA migration report
MAC was able to draw conclusions, it suggested that ‘migration does not affect crime’.

As outlined above, the UK’s Points-Based immigration system will cater for the most highly skilled workers, skilled workers, students and innovators and a range of other specialist routes for global leaders in their field. The system is designed to increase the economic benefits of migration and to minimise disbenefits to the resident population. Where certain groups who share a protected characteristic may be particularly affected by certain aspects of the system, the Government has sought to mitigate this impact wherever possible.

Migrants will need to meet the criteria of a route within the UK’s Points-Based immigration system in order to qualify to come to live and work in the UK. A study by the Runnymede Trust analysing the factors that assist with the integration of new migrants found that two of the key factors (in terms of having a broad impact across several dimensions of integration) are employment and fluency in the native language \(^{38}\). The selection criteria within the Points-Based immigration system, such as requiring minimum levels of ability to use the English language and the skill threshold, will encourage integration. Furthermore, these individuals may not need as much support as other groups. Employment and native language are key components of integration, but integration is a complex and two-way process. ‘Meaningful’ social relations are needed with existing settled communities\(^{39}\), as well as other support networks, such as employers and communities.

Other criteria, such as the minimum salary threshold floor has been calculated to ensure individuals are able to support themselves whilst in the UK, given they will not have access to most public funds. As outlined in the MAC report on a Points-Based System and Salary Thresholds for Immigration\(^ {40}\), salary thresholds, including the going rates are intended to prevent undercutting in the labour market and help ensure migrants provide positive fiscal contributions. As outlined above, in its latest report the MAC concluded that “salary thresholds can help ensure that migrants are helping to improve the public finances: of every extra pound in earnings approximately 50p goes to the state, and they can help realise the ambition of the UK as a high wage, high skill, high productivity economy”\(^ {41}\).

The Government has engaged and will continue to engage on the issue of migration and the Points-Based System. Extensive stakeholder engagement

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was held in 2019 which has contributed to the development of the above policy. Engagement has highlighted the need for businesses and migrants to be given time to adapt to change. We will continue to engage to inform users of the system of the proposed changes, ensuring those affected by the changes, such as migrants, businesses and education institutions, understand how the new immigration system will operate. We will to seek to emphasise the benefits of the changes, tackling prejudice and promoting understanding of the system.

The Government will continue to keep impacts under review. The anticipated impacts are considered to be proportionate and should not adversely affect good relations between people who share certain protected characteristics and those who do not.

4. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

As the policy detail is developed on the creation of the future immigration system, full consideration will be given to ensuring that both direct and indirect discrimination is removed or mitigated wherever possible in the future immigration system.

5. Review date

Autumn 2020

6. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SCS sign off: Philippa Rouse

Name/Title: EU Exit Immigration Strategy Team
Directorate/Unit: EU Exit Immigration Strategy
Lead contact: EU Exit Immigration Strategy Team
Date: 13 July 2020
APPENDIX

Fees

The Home Office charges fees for a range of functions in connection with immigration and nationality, for example: applications for visas to enter the UK; and fees for optional, premium services. The Border, Immigration and Citizenship System is predominately funded by the user, in line with Government policy that those who use and benefit directly from immigration should contribute appropriately, reducing the cost to the Exchequer and reducing the burden on the UK taxpayer. Income from UK Visas and Immigration Service fees are a vital part of funding for the immigration system. However, the Home Office does not make an overall profit and all revenue is used to fund the wider system.

With the end of Free Movement, EEA citizens will, in common with the rest of the world’s citizens, need to meet specific criteria in order to enter and remain in this country, including obtaining visas for which they will need to pay a fee. Any impact on EEA citizens arises purely from the fact that they will no longer be able to benefit from the exemption created by freedom of movement (and therefore the standard requirements of these routes will become applicable to them for the first time).

As per the current system, all applications for each individual route will be subject to the same fee and these will be applied consistently in accordance with the fees legislation and not based on the nationality of the individual making an application or any other protected characteristic. This means that fees will apply to both EEA and non-EEA citizens and aligns with the fundamental aim of the new system for all applicants to be treated equally. As the intention is to apply fees to applicants globally, there is nothing, at the present time, to indicate that those holding protected characteristics as defined by the Equality Act 2010 will be directly discriminated against.

The exception to this fully aligned system is where direct discrimination on the grounds of nationality is lawful due to it being contained in primary legislation or the subject of a Ministerial Authorisation (as is the case in the current system) on the basis of: recognising the status of Irish Citizens; international agreements; and objective evidence about compliance and security risk (further detail is included in the main body of the EIA). The impact this has on visa requirements may impact associated fees. Any policy decisions of this nature will be subject to individual Equality Impact Assessments. All fees and fee changes are set within the parameters of Section 68 (9) of the Immigration Act 2014 and subject to the agreement of HM Treasury and Parliament.

In terms of indirect discrimination, there is nothing, at the present time, to indicate that those holding the protected characteristics of: gender reassignment; marriage and civil partnership; religion or belief; and sexual
orientation will be particularly impacted by the application of fees. However, this, along with the rest of the EIA will be kept under review.

In terms of indirect discrimination for those holding the protected characteristics of: age; disability; pregnancy and maternity; and sex, the requirement to pay an application fee could have greater impacts on these protected characteristics; this is based on their ability to pay the application fee. In accordance with the data included in the main body of the EIA, younger people, people with a disability, those who are, or have recently been, pregnant and women may be more likely to earn less, which could negatively impact their ability to afford an application fee.

Ahead of the start of the Points-Based Immigration System in January 2021, the Government will be undertaking a programme of engagement to raise awareness of the new system, ensuring those affected by the changes are fully aware of what it means for them and understand how the system will operate, including the application of fees. The Home Office also provides for exceptions to the need to pay application fees for leave to remain in a number of specific circumstances. These exceptions ensure that the UK’s immigration and nationality fee structure complies with international obligations and wider Government policy.

The Government believes that any indirect impacts on EEA citizens are justified, as extending the application of fees to EEA citizens is a direct consequence of creating a single immigration system and the Government will be promoting equality of nationalities within the Future Border and Immigration System, by ensuring that fees are applied to both EEA and non-EEA citizens. All fees for immigration and nationality applications are kept under review and further assessments will be published in the Autumn with the Immigration Rules and Immigration and Nationality (Fees) Regulations.

With regard to Limb 2 and 3 of the Public Sector Equality Duty, the Government has had due regard to whether the setting and charging of fees will tackle prejudice and promote understanding and equal opportunity between people who share a protected characteristic and persons who do not share it. As the intention is to apply fees to all applicants equally, there is also nothing, at the present time, to indicate that it will have a negative impact. However, this, along with the rest of the EIA will be kept under review.