

2010 No. 778

IMMIGRATION

NATIONALITY

The Immigration and Nationality (Fees) Regulations 2010

Made - - - - *10th March 2010*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations with the consent of the Treasury(a) in exercise of the powers conferred on him by sections 51(3) and 52(3) of the Immigration, Asylum and Nationality Act 2006(b), and in reliance on section 42(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004(c).

In accordance with section 42(6) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, the Secretary of State has consulted with such persons as appear to him to be appropriate prior to making these Regulations.

In accordance with section 42(7) of that Act, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2010 and shall come into force on 6th April 2010.

2. In these Regulations—

“the 1981 Act” means the British Nationality Act 1981(d);

“the 2007 Order” means the Immigration and Nationality (Fees) Order 2007(e);

“an application for naturalisation” means an application for naturalisation as a—

British citizen under section 6(1) or (2) of the 1981 Act, or

British overseas territories citizen under section 18(1) or (2) of the 1981 Act;

(a) In pursuance of section 52(5)(a) of the Immigration, Asylum and Nationality Act 2006 (c.13).

(b) 2006 c. 13.

(c) 2004 c. 19. Section 42(1) is amended by, and s.42(2A) is inserted by, section 20 of the UK Borders Act 2007 (c.30).

(d) 1981 c. 61.

(e) S.I. 2007/807 as amended by S.I. 2008/166 and S.I. 2009/420.

“an application for registration” means an application for registration as a—

- (a) British citizen under section 1(3) or (4), 3(1), (2)(a) or (5)(b), 4(2) or (5), 4A(c), 4B(d), 4C(e), 10(1)(f) or (2)(g), or 13(1) or (3) of, or paragraph 3(h), 4(i) or 5 of Schedule 2 to, the 1981 Act,
- (b) British overseas territories citizen under sections 24 and 13(1) or (3), or 15(3) or (4), 17(1), (2) or (5), or 22(1) or (2) of, or paragraph 3, 4 or 5 of Schedule 2 to, the 1981 Act,
- (c) British overseas citizen under section 27(1) of, or paragraph 4 or 5 of Schedule 2 to, the 1981 Act, or
- (d) British subject under section 32 of, or paragraph 4 of Schedule 2 to, the 1981 Act;

“assistance” means assistance, accommodation or maintenance provided under—

- (a) section 17, 20 or 23 of the Children Act 1989(j),
- (b) section 22, 25 or 26 of the Children (Scotland) Act 1995(k), or
- (c) article 18, 21 or 27 of the Children (Northern Ireland) Order 1995(l);

“certificate of sponsorship” means an authorisation issued by the Secretary of State to a sponsor in respect of one or more applications, or potential applications, for leave to remain in or enter the United Kingdom under the immigration rules;

“charity” means an English charity, a Scottish charity or a Northern Ireland charity;

“child” means a person under the age of eighteen;

“claim for asylum” has the meaning given in section 94(1) of the Immigration and Asylum Act 1999(m), and a claim for asylum is to be taken to be determined—

- (a) on the day on which the Secretary of State notifies the claimant of his decision on the claim,
- (b) if the claimant has appealed against the Secretary of State’s decision, on the day on which the appeal is disposed of, or
- (c) if the claimant has brought an in-country appeal against an immigration decision under section 82 of the Nationality, Immigration and Asylum Act 2002 or section 2 of the Special Immigration Appeals Commission Act 1997(n), on the day on which the appeal is disposed of;

“Council of Europe Social Charter” means the Council of Europe Treaty establishing social and economic human rights signed in Turin on 18th October 1961(o);

“Council of Europe Revised Social Charter” means the Council of Europe Treaty signed in Strasbourg on 3rd May 1996(p);

“dependant” in respect of a person means—

- (a) the spouse, civil partner, unmarried or same-sex partner, or
- (b) a child,

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- (a) Amended by section 5 of, and paragraphs 3(1) and (2) of Schedule 1 to, the British Overseas Territories Act 2002 (c. 8).
 - (b) Amended by section 5 of, and paragraphs 3(1) and (4) of Schedule 1 to, the British Overseas Territories Act 2002 (c.8).
 - (c) Inserted by section 4 of the British Overseas Territories Act 2002 (c.8).
 - (d) Inserted by section 12 of the Nationality, Immigration and Asylum Act 2002 (c.41).
 - (e) Inserted by section 13 of the Nationality, Immigration and Asylum Act 2002 (c.41).
 - (f) Amended by sections 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 (c.41).
 - (g) Amended by sections 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 (c.41) and by section 261(1) of, and paragraph 73 of Schedule 27 to, the Civil Partnership Act 2004 (c.33).
 - (h) Amended by section 1(1)(b) of the British Overseas Territories Act 2002 (c.8) and by sections 8 and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 (c.41).
 - (i) Amended by sections 1(1)(b) and 2(2)(b) of the British Overseas Territories Act 2002 (c.8).
 - (j) 1989 c. 41.
 - (k) 1995 c. 36.
 - (l) No. 755 (N.I. 2).
 - (m) Amended by section 44(1) and (2) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
 - (n) Amended by section 114(3) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
 - (o) (CETS NO.:035).
 - (p) (CETS NO.: 163).

of that person;

“English charity” means a charity as defined in section 1 of the Charities Act 2006(a);

“European Community Association Agreement” means the—

- (a) Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12 September 1963,
- (b) Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, signed at Brussels on 8th March 1993, and
- (c) Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Romania, of the other part, signed at Brussels on 1st February 1993;

“Highly Skilled Migrant Programme” means the programme operated by the Secretary of State for highly skilled migrants under the immigration rules;

“immigration rules” means rules made under section 3(2) of the Immigration Act 1971(b);

“leave to remain” includes variation of leave to enter or remain;

“Northern Ireland charity” means a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008(c);

“school teacher” has the same meaning as in section 122 of the Education Act 2002(d);

“Scottish charity” means a body entered in the Scottish Charity Register;

“Sectors-Based Scheme” means the programme operated by the Secretary of State for employment as a sector based worker under the immigration rules;

“small sponsor” means a sponsor that is either—

- (a) a company that qualifies as small in accordance with sections 382 and 383 of the Companies Act 2006(e); or
- (b) in the case of a person who is not a company for the purposes of sections 382 and 383 of the Companies Act 2006 and therefore does not qualify as small in accordance with those sections, a person who employs no more than 50 employees; or
- (c) a charity;

“sponsor” means a sponsor within the meaning of the immigration rules;

“sponsorship licence” means a sponsor licence as identified within the immigration rules;

“Tier 1 migrant” means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under “Tier 1” of the immigration rules’ “Points-Based System”;

“Tier 2 migrant” means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under “Tier 2” of the immigration rules’ “Points-Based System”;

“Tier 4 migrant” means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under “Tier 4” of the immigration rules’ “Points-Based System”;

“Tier 5 migrant” means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under “Tier 5” of the immigration rules’ “Points-Based System”;

(a) 2006 c. 50.

(b) 1971 c. 77.

(c) 2008 c. 12.

(d) 2002 c. 32.

(e) 2006 c. 46.

“unmarried or same sex partner” of a person means a person who is living with that other person in a relationship akin to marriage or civil partnership which has subsisted for two years or more;

“work permit employment” means employment as a work permit holder under the immigration rules.

Fees for applications for leave in the United Kingdom

3.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom—

- (a) for the purposes of employment under the Sectors-Based Scheme;
- (b) for Home Office approved training; or
- (c) as a seasonal agricultural worker,

under the immigration rules, the fees are those specified in paragraph (2).

(2) The fees are—

- (a) £550 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office; or
- (b) £350 for an application made by post or courier.

(3) Paragraphs (1) and (2) are subject to regulations 15, 16, 18, 19 and 20.

(4) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom for work permit employment the fee is—

- (a) £650 where such application is made in person at the relevant Public Enquiry Office of the UK Border Agency of the Home Office; or
- (b) £400 for an application made by post or courier.

(5) Paragraph (4) is subject to regulations 11, 15, 16, 18, 19 and 20.

(6) This regulation is subject to regulation 12.

4.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as—

- (a) a retired person of independent means; or
- (b) a sole representative,

under the immigration rules, the fee is £800.

(2) This regulation is subject to regulations 11, 12, 16, 18, 19 and 20.

5.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 1 migrant, the fees are those specified in paragraphs (2) and (3).

(2) Where the application is for limited leave to remain in the United Kingdom as a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is—

- (a) subject to sub-paragraphs (b) and (c), £840 for an application made by post or courier;
- (b) subject to sub-paragraph (c), £767 for an application made by post or courier where the application is for leave to remain as a Tier 1 (General) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;
- (c) subject to regulation 15, £408 for an application made by post or courier in respect of a person who has been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application;

- (d) subject to sub-paragraphs (e) and (f), £1095 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office;
- (e) £992 for an application made in person at a Public Enquiry Office of the UK Border Agency of the Home Office where the application is for leave to remain as a Tier 1 (General) migrant under the immigration rules and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;
- (f) subject to regulation 15, £663 where such an application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office by a person who has been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application.

(3) Where the application is for limited leave to remain in the United Kingdom as a Tier 1 (Post Study Work) migrant under the immigration rules the fee is—

- (a) £550 for an application made by post or courier; or
- (b) £800 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office.

(4) This regulation is subject to regulations 11, 12, 18, 19 and 20.

6.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom, other than an application referred to in paragraph (2), the fee is—

- (a) £730 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office; or
- (b) £475 for an application made by post or courier

(2) The fee referred to in paragraph (1) does not apply to applications for limited leave to remain in the United Kingdom—

- (a) for work permit employment;
- (b) for the purposes of employment under the Sectors-Based Scheme;
- (c) for Home Office approved training;
- (d) as a seasonal agricultural worker;
- (e) as a retired person of independent means;
- (f) as a sole representative;
- (g) as a student;
- (h) to re-sit an examination;
- (i) to write up a thesis;
- (j) as a student union sabbatical officer;
- (k) as a prospective student; or
- (l) of a kind identified in the immigration rules as requiring to be considered under a “Points-Based System”,

under the immigration rules.

(3) This regulation is subject to regulations 11, 12, 13, 17, 18, 19 and 20.

7.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 2 migrant, the fee is—

- (a) subject to sub-paragraph (b), £475 for an application made by post or courier;
- (b) £434 where such application made by post or courier is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;
- (c) subject to sub-paragraph (d), £730 for an application made at a Public Enquiry Office of the UK Border Agency of the Home Office;

- (d) £669 where such application made at a Public Enquiry Office of the UK Border Agency of the Home Office is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter.

(2) This regulation is subject to regulations 11, 12, 18, 19 and 20.

8.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 4 migrant, the fee is £628 for an application made at a Public Enquiry Office of the UK Border Agency of the Home Office.

(2) This regulation is subject to regulations 11, 12, 16, 17, 18, 19 and 20.

9.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 5 (Temporary Worker) migrant and the application is made at a Public Enquiry Office of the UK Border Agency of the Home Office, the fee is—

- (a) subject to sub-paragraph (b), £578; or
- (b) £521 where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter.

(2) This regulation is subject to regulations 12, 16, 17, 18, 19 and 20.

10.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for indefinite leave to remain in the United Kingdom, the fee is—

- (a) subject to sub-paragraphs (b) and (c), £1095 for an application made in person at a Public Enquiry Office of the UK Border Agency of the Home Office;
- (b) £992 where an application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office in so far as the application is in respect of a person—
 - (i) to whom paragraph (2) applies; and
 - (ii) who is a national of a state which has ratified the Council of Europe Social Charter;
- (c) £1930 where an application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office in respect of a parent, grandparent or other dependant relative of a person present and settled in the United Kingdom, applying under paragraph 317 of the immigration rules;
- (d) subject to sub-paragraphs (e) and (f), £840 for an application made by post or courier;
- (e) £767 for an application made by post or courier in so far as the application is in respect of a person—
 - (i) to whom paragraph (2) applies; and
 - (ii) who is a national of a state which has ratified the Council of Europe Social Charter;
- (f) £1680 where an application is made by post or courier and is in respect of a parent, grandparent or other dependant relative of a person present and settled in the United Kingdom, applying under paragraph 317 of the immigration rules.

(2) This paragraph applies to the following—

- (a) a work permit holder;
- (b) a highly skilled migrant;
- (c) a Tier 1 (General) migrant;
- (d) a Tier 1 (Entrepreneur) migrant;
- (e) a Tier 2 migrant;

under the immigration rules.

(3) This regulation is subject to regulations 11, 12, 13, 14, 17, 18, 19 and 20.

11. The applicant incurs an increase of £50 to the application fee for each person submitted as a dependant to that application whether—

- (a) the dependant is included on the application form; or
- (b) a separate application as a dependant is submitted at the same time.

12. The applicant must pay a further 10% of the application fee for each person submitted as a dependant to that application whether—

- (a) the dependant is included on the application form; or
- (b) a separate application as a dependant is submitted at the same time.

Exceptions in respect of fees for leave to remain applications

13. No fee is payable in connection with an application for leave to remain in the United Kingdom, which is made on the basis that the applicant is—

- (a) a person making a claim for asylum which has not been determined or has been granted;
- (b) a person who has been granted humanitarian protection under the immigration rules;
- (c) a person who has been granted limited leave to enter or remain in the United Kingdom outside the provisions of the immigration rules on the rejection of their claim for asylum; or
- (d) a dependant of a person referred to in paragraph (a), (b) or (c).

14. No fee is payable in connection with an application referred to in regulation 10, where the application is for indefinite leave to remain in the United Kingdom as a victim of domestic violence under the immigration rules, where at the time of making the application, the applicant appears to the Secretary of State to be destitute.

15. No fee is payable in connection with applications referred to in—

- (a) regulation 3;
- (b) regulation 5(2)(c) and 5(2)(f)

where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter or the Council of Europe Revised Social Charter.

16. No fee is payable in respect of applications referred to in regulations 3, 4, 8 or 9, if the application is made to an immigration officer on arrival at a port of entry in the United Kingdom in respect of a person seeking variation of leave to enter or remain in the United Kingdom for a period of up to 6 months.

17. No fee is payable in respect of an application referred to in regulations 6, 8, 9 or 10 if the application is made in respect of a person who, at the time of making the application, is a child and is being provided with assistance by a local authority (or, in Northern Ireland, an authority, which has the meaning given in article 2(2) of the Children (Northern Ireland) Order 1995)(a).

18.—(1) If the conditions specified in paragraph (2) are met, a single fee is payable in connection with the applications made.

(2) The conditions are—

- (a) an application is made by an applicant (A) for limited or indefinite leave to remain in the United Kingdom; and
- (b) at the same time A makes a similar application on behalf of one or more of his dependants, in circumstances where such persons are applying as dependants of A.

(3) The fee payable shall be the fee specified for the application in respect of A.

19.—(1) Where two or more applications for leave to remain or indefinite leave to remain in the United Kingdom are made at the same time, or are being considered by the Secretary of State, in

(a) S.I. 1995/755 (N.I.2).

respect of the same person and fees are specified in respect of those applications, a single fee shall be payable.

(2) The fee payable shall be the higher, or as the case may be, the highest of the fees specified in respect of those applications, where those fees are different.

20. No fee is payable in respect of an application referred to in regulations 3, 4, 5, 6, 7, 8, 9 and 10 if it is made under the terms of a European Community Association Agreement.

Fees for nationality applications

21.—(1) In the case of an application to which article 3(2)(f) or (g) of the 2007 Order applies, namely an application for naturalisation, the fee is £655.

(2) Subject to paragraph (3), where either a husband and wife, or two people who are civil partners of each other, apply at the same time for naturalisation as British citizens or British overseas territories citizens and at the time of the applications are residing together, the total fee payable in respect of those applications shall be £770.

(3) Paragraph (2) does not apply to any fee which is payable in respect of the arrangement of a citizenship ceremony.

22.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(h) to (l) of the 2007 Order applies, namely an application for registration of either an adult or a child, the fee is £470.

(2) Where an application for registration of two children is made and those children have the same parent, or parents, the total fee payable in respect of that application shall be £567, with an increase of £97 to the application fee for every additional child registered.

(3) In this regulation, “parent” includes a step-parent and an adoptive parent.

Fees for sponsorship applications

23.—(1) In the case of an application to which article 3(2)(p) of the 2007 Order applies, where the application is not in respect of a person who, if granted a sponsorship licence, would be a small sponsor, and the application is for a licence referred to in paragraph (2), the fee is £1000.

(2) The sponsorship licences are—

- (a) a sponsorship licence in respect of Tier 2 migrants;
- (b) a sponsorship licence in respect of Tier 2 and Tier 4 migrants;
- (c) a sponsorship licence in respect of Tier 2 and Tier 5 migrants; and
- (d) a sponsorship licence in respect of Tier 2, Tier 4 and Tier 5 migrants.

Fees for entry clearance applications

24.—(1) In the case of an application to which article 3(2)(aa) of the 2007 Order applies namely an application for entry clearance —

- (a) subject to sub-paragraph (b) where the application is for entry clearance as a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is £690;
- (b) where the application is for entry clearance as a Tier 1 (General) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £629;
- (c) where the application is for entry clearance as the dependant of a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is £690;

- (d) subject to sub-paragraph (e), where the application is for entry clearance as a Tier 2 migrant, the fee is £270;
 - (e) where the application is for entry clearance as a Tier 2 migrant and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £250;
 - (f) where the application is for entry clearance as the dependant of a Tier 2 migrant, the fee is £270;
 - (g) subject to sub-paragraph (h) where the application is for entry clearance for settlement in the United Kingdom, the fee is £644;
 - (h) where the application is for entry clearance for settlement in respect of a parent, grandparent or other dependant relative of a person present and settled in the United Kingdom, applying under paragraph 317 of the immigration rules, the fee is £1680;
 - (i) where the application is for entry clearance as a visitor for a period of more than 6 months the fee is—
 - (i) £230 for a period of more than 6 months and not more than 2 years;
 - (ii) £420 for a period of more than 2 years and not more than 5 years;
 - (iii) £610 for a period of more than 5 years and not more than 10 years;
 - (j) where the application is for entry clearance other than—
 - (i) for the purposes listed in sub-paragraphs (a) to (i);
 - (ii) as a visitor for a period of six months or less under the immigration rules;
 - (iii) as a student under the immigration rules;
 - (iv) as a Tier 4 migrant;
 - (v) as a Tier 5 migrant; or
 - (vi) for passing through the United Kingdom,
 the fee is £230.
- (2) This regulation is subject to regulations 25 and 26.

Exceptions and waivers in respect of fees for entry clearance applications

25. No fee is payable by the applicant in relation to an application referred to in regulation 24 where—

- (a) it is in connection with the official duty of any official of Her Majesty's Government;
- (b) it is for the purpose of family reunion under Part 11 of the immigration rules; or
- (c) the Secretary of State determines that the fee should be waived.

26. The official determining the application may waive the payment of a fee required under regulation 24 where—

- (a) it is made by a candidate for or holder of a scholarship funded by Her Majesty's Government and is in connection with such scholarship; or
- (b) where the official so decides as a matter of international courtesy; or
- (c) where the applicant intends to visit the United Kingdom in connection with one of the Foreign and Commonwealth Office's Strategic or Bilateral Programmes.

Fee for the process of issuing a certificate of sponsorship

27.—(1) Subject to paragraph (2), in the case of a process to which article 5 of the 2007 Order applies, the fee shall be £170 where the process is the issuing of a certificate of sponsorship in respect of an application or potential application for leave to remain in or enter the United Kingdom as a Tier 2 migrant.

(2) No fee is payable in respect of the process for which a fee is specified in paragraph (1) where the certificate is issued in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter or the Council of Europe Revised Social Charter.

Fees for transfer of conditions

28.—(1) In the case of an application to which article 3(2)(c) of the 2007 Order applies and the application is made at a Public Enquiry Office of the UK Border Agency of the Home Office the fee is £578.

(2) This regulation is subject to regulation 12.

Fee for Premium Case Working Service

29. In respect of an application to which article 3(2)(a) or (b) of the 2007 Order applies, namely an application for limited leave to remain in the United Kingdom, where the applicant has opted to make the application on a premium case working basis involving the attendance of a representative of the Secretary of State at the applicant's premises resulting in a same day decision, the fee is £15,000.

Consequences of failing to pay the specified fee

30. Where an application to which these Regulations refer is to be accompanied by a specified fee, the application is not validly made unless it has been accompanied by that fee.

Revocation

31. These Regulations revoke the Immigration and Nationality (Fees) Regulations 2009(a).

Home Office
10th March 2010

Phil Woolas
Minister of State

We consent

8th March 2010

Dave Watts
Frank Roy
Two Lords Commissioners of Her Majesty's Treasury

(a) S.I. 2009/816.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Secretary of State specified in the Immigration and Nationality (Fees) Order 2007 (S.I. 2007/807), (as amended by the Immigration and Nationality (Fees) (Amendment) Order 2008 S.I. 2008/166 and the Immigration and Nationality (Fees)(Amendment) Order 2009 S.I.2009/420), those matters in connection with immigration or nationality in respect of which a fee was to be charged. The Secretary of State in prescribing a fee for the applications referred to in these Regulations has, relying on section 42(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, prescribed an amount which is intended to exceed the administrative cost of determining the application and reflect benefits that she thinks are likely to accrue to the person who makes the application, to whom the application relates or by or for whom the process is undertaken, if the application is successful or the process completed.

These Regulations revoke and replace with modifications, the Immigration and Nationality (Fees) Regulations 2009 (S.I. 2009/816).

They specify fees for certain matters and set out the relevant exceptions. They also set out the consequences of failing to pay those specified fees. The fees for other matters specified in the Order will be specified in other Regulations made under section 51(3) of the Immigration, Asylum and Nationality Act 2006.

These Regulations introduce new fees for Indefinite Leave to Remain applications from dependant relatives applying under paragraph 317 of the Immigration Rules. The Regulations remove the fee for a certificate of entitlement to a right of abode which is now reflected in Regulations made under section 51(3) of the Immigration, Asylum and Nationality Act 2006.

These Regulations also introduce an additional fee in Regulation 12 to reflect the costs of processing applications from dependants by requiring applicants to pay a further charge on the main application. This is reflected by an increase to the applicant's fee in Regulations 3, 4, 5, 6, 7, 8, 9, 10 and 28.

Regulation 3 specifies fees for the following limited Leave to Remain applications in the United Kingdom and each fee :

- (a) employment under the Sectors-Based Scheme;
- (b) Home Office approved training or work experience;
- (c) employment as a seasonal agricultural worker; or
- (d) work permit employment.

Regulation 4 specifies fees for limited leave to remain applications in the UK for the following:

- (a) a retired person of independent means; or
- (b) a sole representative.
- (c) Regulation 5 specifies fees for limited leave to remain applications for certain Tier 1 migrants under the immigration rules.

Regulation 6 specifies fees for limited Leave to Remain applications in the United Kingdom for applications other than those referred to in regulations 3, 4, 5, 7, 8 and 9.

Regulation 7 specifies the fee for limited Leave to Remain as a Tier 2 migrant under the immigration rules;

Regulation 8 specifies fees for limited Leave to Remain as a Tier 4 migrant under the immigration rules in respect of an application made at a Public Enquiry Office of the UK Border Agency of the Home Office.

Regulation 9 specifies fees for limited Leave to Remain applications as a Tier 5 (Temporary Worker) migrant under the immigration rules

Regulation 10 sets out the fee for an application for Indefinite Leave to Remain in the United Kingdom under the immigration rules. It also introduces a separate fee for individuals applying under paragraph 317 of the immigration rules.

Regulation 11 provides for an additional fee to reflect a contribution to the Migration Impact Fund in respect of both Limited Leave to Remain and Indefinite Leave to Remain applications.

Regulation 12 provides an additional charge to a main applicant to reflect the costs of including a dependant on the application form in respect of both Limited Leave to Remain and Indefinite Leave to Remain applications.

Regulations 13 to 20 provide a number of exceptions to the requirement to pay a specified fee for leave to remain and indefinite leave to remain applications.

Regulation 21 sets out the fee for an application for naturalisation as a British Citizen or British Overseas Territories Citizen.

Regulation 22 sets out the fee for registering either an adult, a child or children as a British Citizen.

Regulation 23 sets out the fee for sponsorship applications in respect of Tier 2, Tier 4 and Tier 5 migrant applications.

Regulation 24 sets out the fees for entry clearance applications into the United Kingdom. It also introduces a separate fee for applicants seeking to enter the United Kingdom under paragraph 317 of the Immigration Rules.

Regulations 25 and 26 provide for a number of exceptions to the requirement to pay an entry clearance fee. Regulation 26 also introduces an additional provision under which an official of Her Majesty's Government may waive the entry clearance fee where an applicant is entering in connection with one of the Foreign and Commonwealth Office's strategic or bilateral programmes.

Regulation 27 sets out the fee for the process of issuing a certificate of sponsorship in respect of an application for leave to remain or enter as a Tier 2 migrant under the immigration rules.

Regulation 28 sets out the fee for an application to transfer conditions of stay.

Regulation 29 introduces a fee for an application for leave to remain made on a premium case working basis.

Regulation 30 sets out the consequences of failing to pay the specified fee under these regulations.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the UKBA website www.ukba.homeoffice.gov.uk

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