

2003 No. 1711

IMMIGRATION

**The Immigration (Leave to Remain) (Fees)
Regulations 2003**

Made - - - - - 9th July 2003

Laid before Parliament 10th July 2003

Coming into force - - 1st August 2003

The Secretary of State, in exercise of the powers conferred on him by sections 5(1), (3)(b) and (7) and 166(3) of the Immigration and Asylum Act 1999^(a), having regard to the meaning of “prescribed” in section 167(1), with the approval of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Immigration (Leave to Remain) (Fees) Regulations 2003 and shall come into force on 1st August 2003.

2. In these Regulations:

“application” means an application for—

- (a) leave to remain in the United Kingdom,
- (b) the variation of leave to enter, or remain in, the United Kingdom, or
- (c) an indefinite leave stamp to be fixed on the applicant’s passport (or travel document) as the result of the renewal or replacement of his previous passport (or travel document);

“dependant”, of a person, means—

- (a) the spouse or unmarried partner, or
- (b) a child under the age of eighteen,

of that person;

“immigration employment document” has the same meaning as in section 122 of the Nationality, Immigration and Asylum Act 2002^(b);

“immigration rules” has the same meaning as in section 33(1) of the Immigration Act 1971^(c); and

“the 1999 Act” means the Immigration and Asylum Act 1999.

3. Subject to section 5(3)(a) of the 1999 Act and regulations 4 and 5 below, the fee to be paid in connection with an application shall be—

- (a) £250 for an application made in person at a Public Enquiry Office of the Immigration and Nationality Directorate of the Home Office; or
- (b) £155 for an application made by post.

4. Where an application is made by an applicant in respect of himself and one or more of his dependants, a single fee is payable in connection with that application.

(a) 1999 c. 33.
(b) 2002 c. 41.
(c) 1971 c. 77.

5. No fee shall be payable in connection with an application falling within paragraph (a) or (b) of the definition of “application” in regulation 2 above in any of the following circumstances—

- (a) the application is made under the terms of a European Community Association Agreement;
- (b) the application is made in respect of a person seeking leave to remain in the United Kingdom as a highly skilled migrant under the immigration rules;
- (c) the application is made in respect of a person seeking leave to remain in the United Kingdom as a seasonal agricultural worker under the immigration rules;
- (d) the application is made in respect of a person seeking leave to remain in the United Kingdom for work permit employment under the immigration rules, where, at the time of making the application, the applicant—
 - (i) holds a valid immigration employment document, or
 - (ii) is also making an application for an immigration employment document; or
- (e) the application is made in respect of a person seeking indefinite leave to remain in the United Kingdom on grounds 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.

6. For the purposes of section 5(3)(a)(ii) of the 1999 Act, a “dependant” of a person making a claim for asylum means—

- (a) the spouse or unmarried partner, or
 - (b) a child under the age of eighteen,
- of such a person.

Home Office
7th July 2003

Beverley Hughes
Minister of State

We approve

9th July 2003

Joan Ryan
John Heppell
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the fee which is to be paid in connection with an application for leave to remain in the United Kingdom, an application for the variation of leave to enter or remain in the United Kingdom, or an application for an indefinite leave stamp to be fixed on a passport or travel document as the result of the renewal or replacement of a previous passport or travel document.

Subject to the exceptions described below, the prescribed fee is £250 for an application made in person at a Public Enquiry Office of the Immigration and Nationality Directorate of the Home Office, or £155 for an application made by post. Where an application is made by an applicant in respect of himself and one or more of his dependants, a single fee is payable in connection with that application.

No fee is payable in connection with an application for leave to remain, or an application for variation of leave to enter or remain, where:

- (i) the application is made under the terms of a European Community Association Agreement,
- (ii) the application is made in respect of a person seeking leave to remain as a highly skilled migrant or a seasonal agricultural worker,
- (iii) the application is made in respect of a person seeking leave to remain for work permit employment, where the applicant holds, or is applying for, an immigration employment document, or
- (iv) the application is made in respect of a person seeking indefinite leave to remain on grounds of domestic violence, where the applicant appears to the Secretary of State to be destitute.

By section 5(3)(a) of the Immigration and Asylum Act 1999, the prescribed fee is not payable where the basis on which the application is made is that the applicant is (i) a person making a claim for asylum (which claim either has not been determined or has been granted) or (ii) a dependant of such a person.

These Regulations prescribe the meaning of “dependant” for the purposes of section 5(3)(a)(ii) as (a) the spouse or unmarried partner, or (b) a child under the age of eighteen, of the person in question.

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