

Draft Order laid before Parliament under section 74(2)(j) of the Immigration Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

IMMIGRATION

The Immigration and Nationality (Fees) Order 2015

Made - - - - 2015

Coming into force in accordance with article 1

The Secretary of State makes the following Order with the consent of the Treasury⁽¹⁾, in exercise of the powers conferred by sections 68(1) to (6) and (12), 69(1) and (2) and 74(8)(a), (b) and (d) of the Immigration Act 2014⁽²⁾.

In accordance with section 74(2)(j) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1. This Order may be cited as the Immigration and Nationality (Fees) Order 2015 and comes into force on the day after the day on which it is made.

2. In this Order—

“the 1971 Act” means the Immigration Act 1971⁽³⁾;

“the 1981 Act” means the British Nationality Act 1981⁽⁴⁾;

“the 1997 Act” means the British Nationality (Hong Kong) Act 1997⁽⁵⁾;

“the 1986 Order” means the Hong Kong (British Nationalities) Order 1986⁽⁶⁾;

“approval letter” means a letter signifying approval to an application or request, from a body or a panel of individuals designated by the Secretary of State as competent to issue such letters in respect of a person making or intending to make an application for entry clearance, leave to enter or leave to remain in the United Kingdom under the immigration rules;

(1) In pursuance of section 69(1) of the Immigration Act 2014 (c. 22).

(2) 2014 c. 22. See definition of “specified”.

(3) 1971 c. 77.

(4) 1981 c. 61.

(5) 1997 c. 20.

(6) S.I. 1986/948.

“basic service” has the same meaning as provided in regulation 3 of the Immigration Control (Charges) (Basic Service) Regulations 2003(7);

“biometric information” means information about a person’s external physical characteristics;

“British citizen” means a person who has that status in accordance with the provisions of the 1981 Act, the 1997 Act or the British Overseas Territories Act 2002(8);

“British National (Overseas)” means a person who has that status in accordance with the provisions of the 1986 Order;

“British overseas citizen” means a person who has that status in accordance with the provisions of the 1981 Act or the 1986 Order;

“British overseas territories citizen” means a person who has that status in accordance with the provisions of the 1981 Act;

“British protected person” means a person who has that status in accordance with the provisions of the British Protectorates, Protected States and Protected Persons Order 1982(9);

“British subject” means a person who has that status in accordance with the provisions of the 1981 Act;

“certificate of sponsorship” means an authorisation, allocated by the Secretary of State to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance, leave to enter or leave to remain in the United Kingdom as a sponsored worker;

“confirmation of acceptance for studies” means an authorisation, allocated by the Secretary of State to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance, leave to enter or leave to remain in the United Kingdom as a student;

“consular function” means any of the functions described in Article 5 of the Vienna Convention on Consular Relations set out in Schedule 1 to the Consular Relations Act 1968(10) or functions in the United Kingdom which correspond with those functions;

“consular premises” has the same meaning as provided in Article 1(1)(j) of the Vienna Convention on Consular Relations set out in Schedule 1 to the Consular Relations Act 1968;

“contractor” means a person with whom the Secretary of State has entered into a contract, by which the person agrees to provide certain services in connection with immigration or nationality to applicants outside the United Kingdom;

“control port” means a port in which a control area is designated under paragraph 26(3) of Schedule 2 to the 1971 Act;

“Electronic Visa Waiver” means a document authorising a person to enter the United Kingdom where that person, in the absence of such a document, would require entry clearance in order to do so;

“entry clearance” has the same meaning as provided in section 33(1) of the 1971 Act(11);

“European residence document” means a document issued as evidence that a person is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972(12);

(7) S.I. 2003/1502.

(8) 2002 c.8.

(9) S.I. 1982/1070.

(10) 1968 c.18.

(11) The definition of ‘entry clearance’ in section 33(1) was amended by section 39(6) of paragraph 2 of Schedule 4 to the 1981 Act (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c.14).

(12) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7).

“the former nationality Acts” has the same meaning as provided in section 50(1) of the 1981 Act;

“immigration employment document” means a work permit, or any other document which relates to employment and is issued for the purposes of the immigration rules or in connection with leave to enter or remain in the United Kingdom;

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

“leave to enter the United Kingdom” and “leave to remain in the United Kingdom” mean respectively leave to enter the United Kingdom and leave to remain in the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules and “leave to enter or leave to remain in the United Kingdom” is to be construed accordingly;

“limited leave” and “indefinite leave” respectively have the same meanings as provided in section 33(1) of the 1971 Act;

“premium services” means optional premium services in connection with immigration or nationality applications offered by the Home Office;

“right of abode” has the same meaning as provided in section 2 of the 1971 Act⁽¹³⁾;

“sponsor” means a person licensed by the Secretary of State to issue certificates of sponsorship, or confirmations of acceptance for studies, or both;

“sponsored worker” means a person seeking entry clearance, leave to enter or leave to remain in the United Kingdom for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;

“sponsor licence” means a licence granted by the Secretary of State to a person who, by virtue of such a grant, is licensed as a sponsor;

“transfer of conditions” means the fixing of a stamp, sticker or other attachment on a passport or other document issued to an applicant, which indicates that a person has been granted leave to enter or remain in the United Kingdom;

“transit visa” means a document authorising the holder to remain within a port, without passing through immigration control, pending departure from the United Kingdom from the same port;

“travel document” means a document which is not a passport, allowing a person (or, if the person has died, the body of that person) to travel outside the United Kingdom, and is issued by the Home Office to persons who are either refugees, or stateless, or who cannot obtain or use a passport issued by their own country;

“unsponsored worker” means a person seeking entry clearance, leave to enter or remain in the United Kingdom for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is not required by the immigration rules to obtain a certificate of sponsorship.

Requirement to pay a fee in respect of the exercise of a function in connection with immigration or nationality

3.—(1) The Secretary of State, or a contractor, or any person appointed by, or acting on behalf of the Secretary of State, must charge the fee specified in fees regulations in respect of the exercise of the functions in connection with immigration or nationality that are specified in this Order.

(2) The fee specified in such regulations may not exceed the maximum amount specified in this Order in respect of the relevant function.

(3) The fee specified in such regulations must be calculated in the manner specified in this Order.

(13) 1971 c. 77; section 2 was amended by section 39(2) of the 1981 Act (c. 61).

(4) Where no particular manner is specified, the fee must be a fixed amount.

Applications for entry clearance to enter or leave to remain in the United Kingdom as a visitor

4.—(1) A fee is to be charged for the consideration of an application for entry clearance to enter or leave to remain in the United Kingdom of a type specified in table 1.

(2) Table 1 also specifies how the fee is to be calculated and the maximum amount that may be charged in respect of each application.

(3) In this article, an application includes an application for variation of leave to enter or remain in the United Kingdom.

Table 1

<i>Number</i>	<i>Type of application</i>	<i>Method of calculation</i>	<i>Maximum amount/rate</i>
1.1	Entry clearance as a visitor for a period of six months or less.	Fixed fee	£85
1.2	Entry clearance as a visitor for a period of more than six months up to and including twelve months.	Fixed fee	£162
1.3	Entry clearance as a visitor for a period of more than twelve months.	Annual rate	£162
1.4	Leave to remain in the United Kingdom as a visitor.	Fixed fee	£649

Applications for entry clearance to enter, leave to enter the United Kingdom or leave to remain in the United Kingdom as a sponsored worker, an unsponsored worker, a student or for any other purpose (excluding visits)

5.—(1) A fee is to be charged for the consideration of an application for entry clearance to enter, leave to enter or leave to remain in the United Kingdom of a type specified in table 2.

(2) Table 2 also specifies the maximum amount that may be charged in respect of each application.

(3) In this article an application includes an application for variation of leave to enter or remain in the United Kingdom.

Table 2

<i>Number</i>	<i>Type of application</i>	<i>Maximum amount</i>
2.1	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as a sponsored worker, where a certificate of sponsorship has been issued for a period of three years or less.	£651
2.2	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as a sponsored worker, where a certificate of sponsorship has been issued for a period of more than three years.	£1,302

<i>Number</i>	<i>Type of application</i>	<i>Maximum amount</i>
2.3	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as an unsponsored worker for a period of three years or less.	£1,736
2.4	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as an unsponsored worker for a period of more than three years.	£1,500
2.5	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as a student.	£439
2.6	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom where the basis upon which that leave is given may (after one or more subsequent periods of leave on the same basis) lead to a grant of indefinite leave to remain in the United Kingdom.	£2,141
2.7	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom for any purpose (excluding visits) not referred to in the preceding provisions of this table.	£1,224
2.8	Indefinite leave to enter or remain in the United Kingdom.	£2,141

Documents and administration

6.—(1) A fee is to be charged for —

- (a) attending to an application or request for a document of a type specified in table 3; and
- (b) carrying out the administrative activities, in connection with an application or claim or on request, specified in table 3.

(2) Table 3 also specifies the maximum amount that may be charged in respect of each document or administrative activity.

Table 3

<i>Number</i>	<i>Type of application, request or administrative activity</i>	<i>Maximum amount</i>
3.1	Application or request for documents	
3.1.1	Document recording biometric information.	£45
3.1.2	Transfer of conditions.	£260
3.1.3	Immigration employment document.	£25
3.1.4	Approval letter.	£281
3.1.5	Electronic Visa Waiver.	£15
3.1.6	Transit visa.	£56
3.1.7	Travel document.	£382
3.1.8	European residence document.	£65

<i>Number</i>	<i>Type of application, request or administrative activity</i>	<i>Maximum amount</i>
3.1.9	Any other letter or document (not including a passport) confirming a person's identity and immigration or nationality status, or setting out any conditions attendant on such status, or confirming that the person is not a British citizen.	£324
3.1.10	Copy, or replacement, or amended version of any of the documents specified above.	£382
3.2	Administrative activity	
3.2.1	Administration of any test a person is required to take for the purposes of an application or claim in connection with immigration or nationality.	£50
3.2.2	Taking a record of a person's biometric information.	£19.20
3.2.3	The review of a decision in connection with immigration or nationality.	£80
3.2.4	Processing of an application or claim which is subsequently rejected as invalid, or is withdrawn by the applicant prior to a decision being issued.	£80

Sponsorship

7.—(1) A fee is to be charged for attending to an application or request for a service or process of a type specified in table 4.

(2) Table 4 also specifies the maximum amount that may be charged in respect of each application, service or process.

Table 4

<i>Number</i>	<i>Type of application, service or process</i>	<i>Maximum amount</i>
4.1	A sponsor licence, or renewal of such licence.	£1,476
4.2	Allocation of a certificate of sponsorship.	£199
4.3	Allocation of a confirmation of acceptance for studies.	£21
4.4	Any change to a sponsor's status.	£940
4.5	Issuing of a plan with which a sponsor must comply in order to achieve or retain a particular status, or to remain on the register of licensed sponsors maintained by the Secretary of State.	£1,476
4.6	Permission for a person with leave to enter or remain in the United Kingdom to change their sponsor or course of study.	£179
4.7	Optional premium customer services for sponsors.	£25,000

Consular Functions

8.—(1) Table 5 specifies the requests for consular functions for which a fee is to be charged, how the fee is to be calculated and the maximum fee that may be charged in respect of each function.

(2) Table 5 applies in relation to the exercise of consular functions whether those functions are exercised by consular officers or by persons who are not consular officers.

Table 5

<i>Number</i>	<i>Function</i>	<i>Method of calculation</i>	<i>Maximum amount</i>
5.1	The exercise of a consular function in connection with immigration or nationality.	Hourly rate	£130
5.2	The acceptance or processing of an application or claim in connection with immigration or nationality at consular premises.	Fixed fee	£80
5.3	Receiving, preparing or forwarding documents where such activity is conducted at consular premises.	Fixed fee	£115

Premium services

9. Table 6 specifies the functions relating to the provision of premium services (other than those services provided to sponsors) and which are exercised following an application or request, for which a fee is to be charged, how the fee is to be calculated and the maximum amount that can be charged in respect of each service.

Table 6

<i>Number</i>	<i>Function</i>	<i>Method of calculation</i>	<i>Maximum amount</i>
6.1	Arrangements for expediting the processing (or any element of the processing) of an application or claim in connection with immigration or nationality.	Fixed fee	£600
6.2	The expedited return to the applicant of documents where these have been provided by the applicant in the course of making an application or claim in connection with immigration or nationality.	Fixed fee	£40
6.3	Arrangement of an appointment for the purposes of making an application or claim in connection with immigration or nationality in person, either at an office of the Home Office, at consular premises or at any other place.	Fixed fee	£100
6.4	The acceptance or processing of a claim or application, or the provision of a service or process in connection with	Fixed fee	£7,000

<i>Number</i>	<i>Function</i>	<i>Method of calculation</i>	<i>Maximum amount</i>
	immigration or nationality at a place other than an office of the Home Office, where this is done in the United Kingdom.		
6.5	The acceptance or processing of a claim or application, or the provision of a service or process in connection with immigration or nationality at a place other than consular premises, where this is done outside the United Kingdom.	Fixed fee	£80
6.6	The provision of a service in connection with immigration or nationality by a representative of the Secretary of State, or a contractor, or any person appointed by or acting on behalf of the Secretary of State, where this is done outside office hours.	Fixed fee	£50
6.7	Arrangements for expediting the entry of passengers into, or transit through, the United Kingdom.	Fixed fee	£50
6.8	Arrangements for the provision of immigration officers or facilities at a control port in addition to those (if any) required to provide a basic service.	Per hour	£150
6.9	The provision of advice or assistance in relation to functions in connection with immigration or nationality.	Cost calculated per minute	£1.37
6.10	Operation of a scheme enabling members to access a range of premium services in connection with immigration or nationality.	Fixed fee	£10,000

Nationality

10.—(1) A fee is to be charged for attending to an application or request for a process or service of a type specified in table 7.

(2) Table 7 also specifies the maximum amount that may be charged in respect of such applications or requests for processes and services.

Table 7

<i>Number</i>	<i>Type of application, process or service</i>	<i>Maximum amount</i>
7.1	Naturalisation as a British citizen or a British overseas territories citizen.	£925

<i>Number</i>	<i>Type of application, process or service</i>	<i>Maximum amount</i>
7.2	Registration as a British citizen, a British subject, a British protected person, a British overseas citizen or a British overseas territories citizen.	£833
7.3	Registration of a declaration of renunciation of British citizenship, British overseas citizenship, British overseas territories citizenship or of the status of British subject, British National (Overseas) or British protected person.	£223
7.4	Amendment of a certificate of registration or naturalisation as a British citizen.	£162
7.5	Arrangement of a citizenship ceremony.	£80
7.6	Administration of a citizenship oath, or oath and pledge, where not administered at a citizenship ceremony.	£5
7.7	Issuing of a document confirming that a person has the right of abode in the United Kingdom.	£223
7.8	Supply of a certified copy of a notice, certificate, order, declaration or entry given, granted or made under the 1981 Act, any of the former nationality Acts, or the 1997 Act.	£162
7.9	Supply of a copy, or replacement, or amended version of any of the documents specified above.	£162

Date

Minister of State
Home Office

We consent

Date

Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under sections 68(2) and 69(2) of the Immigration Act 2014 (the “2014 Act”), sets out the functions in connection with immigration or nationality for which the Secretary of State is to charge a fee. In pursuance of section 68(3) of the 2014 Act, the Order also specifies how the fee in respect of the exercise of each specified function is to be calculated (and in particular, whether it is to be set as a fixed amount, or calculated with reference to an hourly rate or other factor). Finally, in pursuance of section 68(5) of the 2014 Act, the Order specifies the maximum amount which can be charged by the Secretary of State in respect of each relevant function.

The fees themselves will be specified in separate regulations, to be laid under section 68(7) of the 2014 Act, following the coming into force of this Order.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.