
STATUTORY INSTRUMENTS

2000 No. 2446

IMMIGRATION

The Immigration Appeals (Family Visitor) (No. 2) Regulations 2000

Made - - - - 11th September 2000
Laid before Parliament 13th September 2000
Coming into force - - 2nd October 2000

The Secretary of State, in exercise of the powers conferred on him by sections 60(6) and (10), 166(3) and 167(1) of the Immigration and Asylum Act 1999(2), hereby makes the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Immigration Appeals (Family Visitor) (No. 2) Regulations 2000 and shall come into force on 2nd October 2000.

(2) The Immigration Appeals (Family Visitor) Regulations 2000(3) are hereby revoked.

Interpretation

2.—(1) In these Regulations—

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

“entry clearance officer” means a person responsible for the grant or refusal of entry clearance;

“fee” means the fee required to be paid in accordance with regulation 3(1);

“first cousin” means, in relation to a person, the son or daughter of his uncle or aunt;

“repayment” means any repayment required to be made in accordance with regulation 3(3).

(2) For the purposes of section 60(10) of the Act, a “family visitor” is a person who applies for entry clearance to enter the United Kingdom as a visitor, in order to visit—

(a) his spouse, father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister, uncle, aunt, nephew, niece or first cousin;

(b) the father, mother, brother or sister of his spouse;

(1) See the definition of “prescribed”.

(2) 1999 c. 33.

(3) S.I.2000/2302.

- (c) the spouse of his son or daughter;
- (d) his stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister; or
- (e) a person with whom he lived as a member of an unmarried couple for at least two of the three years before the day on which his application for entry clearance was made.

Fees

3.—(1) A family visitor who appeals under section 59 of the Act (“the appellant”) must pay to an entry clearance officer at the place where his application for entry clearance was made—

- (a) £500, if he elects a hearing;
- (b) £150, in all other cases.

(2) The appeal is not to be entertained unless the fee has been paid by the appellant.

(3) If the appeal is successful, the fee is to be repaid to the appellant by an entry clearance officer.

Method of payment

4.—(1) The fee is to be paid, and the repayment made, in currency circulating at the place of payment.

(2) The rate of exchange to be used for calculating the equivalent of the fee or repayment in foreign currency is to be based on the rate of exchange which is generally prevailing on the date, and at the place, of payment of the fee.

Home Office
11th September 2000

Barbara Roche
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Immigration Appeals (Family Visitor) Regulations 2000. They define who is to be regarded as a family visitor for the purposes of section 60 of the Immigration and Asylum Act 1999 (the Act), which gives a person who seeks to enter the United Kingdom as a visitor the right of appeal against a refusal of entry clearance if he is a family visitor.

They also set the fee that is to be paid by a person who wishes to exercise a right of appeal as a family visitor. The level of the fee depends on whether the person asks for an oral hearing or not. The fee must be repaid if the appeal is successful.