
STATUTORY INSTRUMENTS

2011 No. 2841

**The First-tier Tribunal (Immigration
and Asylum Chamber) Fees Order 2011**

Exemption from fees

- 5.—(1) No fee is payable for—
- (a) an appeal against a decision made under—
 - (i) section 2A of the 1971 Act⁽¹⁾ (deprivation of right of abode);
 - (ii) section 5(1) of the 1971 Act (a decision to make a deportation order);
 - (iii) paragraphs 8, 9, 10, 10A or 12(2) of Schedule 2 to the 1971 Act⁽²⁾ (a decision that an illegal entrant, any family or seaman and aircrew is or are to be removed from the United Kingdom by way of directions);
 - (iv) section 40 of the British Nationality Act 1981⁽³⁾ (deprivation of citizenship);
 - (v) section 10(1) of the 1999 Act⁽⁴⁾ (removal of certain persons unlawfully in the United Kingdom);
 - (vi) section 76 of the 2002 Act (revocation of indefinite leave to enter or remain in the United Kingdom);
 - (vii) section 47 of the Immigration, Asylum and Nationality Act 2006⁽⁵⁾ (removal: persons with statutorily extended leave);
 - (viii) regulation 19(3) of the Immigration (European Economic Area) Regulations 2006⁽⁶⁾ (a decision to remove an EEA national or the family member of such a national); or
 - (b) an appeal to which Part 2 of the Asylum and Immigration Tribunal (Fast Track Procedure) Rules 2005⁽⁷⁾ applies.
- (2) No fee is payable where, at the time the fee would otherwise become payable, the appellant is, under the 1999 Act—
- (a) a “supported person” as defined in section 94(1); or
 - (b) provided with temporary support under section 98.
- (3) No fee is payable where, for the purpose of proceedings before the Tribunal, the appellant is in receipt of—

(1) 1971 c. 77; section 2A was inserted by section 57(1) of the Immigration, Asylum and Nationality Act 2006 (c. 13).

(2) 1971 c. 77; paragraph 8 was amended by S.I. 1990/2227 and S.I. 1993/1813; section 114(3) of, and paragraph 4 of Schedule 7 to the Nationality, Immigration and Asylum Act 2002(c.41); and by section 10 of, and paragraph 9 of the Schedule to, the Immigration Act 1988(c.14). Paragraph 9 was amended by section 12(1) of, and paragraph 6 of Schedule 2 to, the Asylum and Immigration Act 1996(c.49). Paragraph 10 was amended by section 10 of, and paragraph 9 of the Schedule to, the Immigration Act 1988(c.14). Paragraph 10A was inserted by section 73(1) of the Nationality, Immigration and Asylum Act 2002(c.41). Paragraphs 12(2) was amended by section 39(6) of, and paragraph 2 of Schedule 4 to, the British Nationality Act 1981(c.61).

(3) 1981 c. 61; section 40 was substituted by section 4(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41) and amended by section 56(1) of the Immigration, Asylum and Nationality Act 2006(c. 13).

(4) 1999 c.33; section 10(1) was amended by sections 73(2) and (3), 74, 76(7) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002(c.41).

(5) 2006 c. 13.

(6) S.I 2006/1003; regulation 19(3) was substituted by S.I 2009/1117.

(7) S.I 2005/560.

- (a) funding provided by the Legal Services Commission, established under section 1 of the Access to Justice Act 1999⁽⁸⁾, as part of the Community Legal Service;
 - (b) legal aid under Part 2 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981⁽⁹⁾; or
 - (c) civil legal aid or advice and assistance under the Legal Aid (Scotland) Act 1986⁽¹⁰⁾.
- (4) No fee is payable where the appellant is the person for whose benefit services are provided by a local authority under section 17 of the Children Act 1989⁽¹¹⁾.
- (5) Where by any convention, treaty or other instrument entered into by Her Majesty with any foreign power it is provided that no fee is required to be paid in respect of any proceedings, the fees specified in this Order are not payable in respect of those proceedings.

⁽⁸⁾ 1999 c. 22; section 1 was amended by S.I 2011/1191 S.I.2005/3429.

⁽⁹⁾ S.I. 1981/228.

⁽¹⁰⁾ 1986 c. 47.

⁽¹¹⁾ 1989 c.41; section 17 has been amended several times but none of the amendments are relevant to this Order.