
DRAFT STATUTORY INSTRUMENTS

2008 No.

**The Immigration and Nationality (Fees)
(Amendment No. 2) Regulations 2008**

Amendment

2.—(1) The Immigration and Nationality (Fees) Regulations 2007⁽¹⁾ shall be amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “assistance”, insert—

““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 or enter the United Kingdom under the immigration rules;”;
and

(b) after the definition of “the 2007 Order”, omit “and” and insert—

““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 make 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”;

“Tier 5 (Temporary Worker) migrant” means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under the category “Tier 5 (Temporary Worker)” of the immigration rules’ “Points Based System”; and”.

(3) In regulation 5(1) (fees for applications for leave in the United Kingdom), omit subparagraphs (a) to (c).

(4) For regulation 5A⁽²⁾ (fees for applications for leave in the United Kingdom) substitute—

“**5A.**—(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).

(1) [S.I. 2007/1158](#), as amended by [S.I. 2008/544](#).

(2) Regulation 5A is inserted by [S.I. 2008/544](#).

- (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-paragraph (b), £750;
 - (b) £350 for an application 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 £400.
- (4) This regulation is subject to regulations 9, 12, 13 and 14.”
- (5) In regulation 5B(2)(3) (fees for applications for leave in the United Kingdom)—
- (a) omit sub-paragraphs (e) to (g);
 - (b) after sub-paragraph (m), omit “or”; and
 - (c) after sub-paragraph (n), insert,
 - “; or
 - (o) of a kind identified in the immigration rules as requiring to be considered under a “Points Based System”.”
- (6) After regulation 5B (fees for applications for leave in the United Kingdom), insert—
- “**5C.**—(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 £400.
- (2) This regulation is subject to regulations 9, 12, 13 and 14.”
- (7) In regulation 9 (exceptions in respect of fees for leave to remain applications), after “5A” insert, “, 5C or, insofar as the application is in made for leave to remain as a Tier 5 (Temporary Worker) migrant, 5D.
- (8) In regulation 12, (exceptions in respect of fees for leave to remain applications), after “5B” insert, “, 5C, 5D”.
- (9) In regulation 15(1) (fees for immigration employment documents), omit sub-paragraph (a) and “or” which follows it.
- (10) Omit regulation 17 (fees for immigration employment documents).
- (11) In regulation 20(1) (fees for nationality applications), for “article 3(2)(h) to (k)”, substitute “article 3(2)(h) to (l)”.
- (12) For regulation 20A(4) (fees for sponsorship applications) substitute—
- “**20A.**—(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

(3) Regulation 5B is inserted by [S.I. 2008/544](#)

(4) Regulation 20A is inserted by [S.I. 2008/544](#).

- (d) a sponsorship licence in respect of Tier 2, Tier 4 and Tier 5 migrants.”.
- (13) In regulation 20B(1)(5) (fees for entry clearance applications)—
- (a) in sub-paragraph (a), after “Tier 1 (General) migrant”, insert, “, Tier 1 (Entrepreneur) migrant or a Tier 1 (Investor) migrant”;
 - (b) after sub-paragraph (b) insert—
 - “(ba) where the application is for entry clearance as a Tier 1 (Post Study) migrant under the immigration rules the fee is £205;
 - (bb) where the application is for entry clearance as a Tier 2 migrant the fee is £205.”
 - (c) after sub-paragraph (d)(vi), omit “or”; and
 - (d) after sub-paragraph (d)(vii), insert—
 - “; or
 - (viii) as a Tier 5 migrant.”.
- (14) In regulation 20C(6), after paragraph (b), omit “or” and after paragraph (c) insert—
- “; or
- (d) the application is—
 - (i) for entry clearance as a Tier 1 (General) migrant under the immigration rules, a Tier 2 migrant or a Tier 5 (Temporary Worker) migrant; and
 - (ii) 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.”
- (15) After regulation 20E(7) (fee for a certificate of entitlement to the right of abode), insert—

“Fee for the process of issuing a certificate of sponsorship

20F.—(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 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.”.

(5) Regulation 20B is inserted by [S.I. 2008/544](#).

(6) Regulation 20C is inserted by [S.I. 2008/544](#).

(7) Regulation 20E is inserted by [S.I. 2008/544](#).