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Draft Regulations laid before Parliament under section 42(7) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2011 No.

IMMIGRATION

NATIONALITY

The Immigration and Nationality (Fees) Regulations 2011

Made - - - - - *******

Coming into force - - - - - *******

The Secretary of State makes the following Regulations with the consent of the Treasury(a) in exercise of the powers conferred by sections 51(3), 52(1) and (3) of the Immigration, Asylum and Nationality Act 2006(b), and in reliance on section 42(1), (2) and (2A) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(c).

In accordance with section 42(6) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, the Secretary of State has consulted with such persons as appear appropriate prior to making these Regulations.

In accordance with section 42(7) of that Act, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2011 and shall come into force on 6th April 2011.

2. In these Regulations—

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

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

“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;

(a) In pursuance of section 52(5)(a) of the Immigration, Asylum and Nationality Act 2006 (c.13).

(b) 2006 c. 13.

(c) 2004 c. 19; section 42(1) was amended by, and s.42(2A) was inserted by, section 20 of the UK Borders Act 2007 (c.30).

(d) 1971 c.77.

(e) 1981 c. 61.

“the 2011 Order” means the Immigration and Nationality (Fees) Order 2011(a);

“an application for naturalisation” means an application for naturalisation as a—

- (a) British citizen under section 6(1) or (2) of the 1981 Act, or
- (b) British overseas territories citizen under section 18(1) or (2) of the 1981 Act;

“an application for registration” means an application for registration as a—

- (a) British citizen under section 1(3)(b), (3A)(c) or (4), 3(1), (2)(d) or (5)(e), 4(2) or (5), 4A(f), 4B(g), 4D(h), 10(1)(i) or (2)(j), or 13(1) or (3) of the 1981 Act, or paragraph 3(k), 4(l) or 5 of Schedule 2 to the 1981 Act;
- (b) British overseas territories citizen under sections 24(m) and 13(1) or (3), or 15(3)(n) or (4)(o), 17(1)(p), (2)(q) or (5)(r), or 22(1)(s) or (2)(t) of, or paragraph 3, 4 or 5 of Schedule 2 to, the 1981 Act;
- (c) British overseas citizen under section 27(1) of the 1981 Act, or paragraph 4 or 5 of Schedule 2 to that Act, or
- (d) British subject under section 32 of, or paragraph 4 of Schedule 2 to, the 1981 Act;

“assistance” means assistance, accommodation or maintenance provided under—

- (a) section 17, 20 or 23 of the Children Act 1989(u),
- (b) section 22, 25 or 26 of the Children (Scotland) Act 1995(v), or
- (c) article 18, 21 or 27 of the Children (Northern Ireland) Order 1995(w);

“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 in or enter the United Kingdom under the immigration rules;

“charity” means an English charity, a Scottish charity or a Northern Ireland charity;

“child” means a person under the age of 18;

“claim for asylum” has the meaning given in section 94(1) of the Immigration and Asylum Act 1999(x), and a claim for asylum is to be taken to be determined—

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- (a) S.I. 2011/445.
 - (b) Section 1(3) was amended by section 42(3) of the Borders, Citizenship and Immigration Act 2009 (c.11).
 - (c) Section 1(3A) was inserted by section 42(4) of the Borders, Citizenship and Immigration Act 2009.
 - (d) Section 3(2) was amended by section 5 of, and paragraphs 3(1) and (2) of Schedule 1 to, the British Overseas Territories Act 2002 (c. 8) and section 43(2) of the Borders, Citizenship and Immigration Act 2009.
 - (e) Section 3(5) was amended by section 5 of, and paragraphs 3(1) and (4) of Schedule 1 to, the British Overseas Territories Act 2002.
 - (f) Section 4A was inserted by section 4 of the British Overseas Territories Act 2002.
 - (g) Section 4B was inserted by section 12 of the Nationality, Immigration and Asylum Act 2002 (c.41) and was amended by section 44(2), (3), and (4) of, and paragraph 2(1) of Schedule 1 to the Borders, Citizenship and Immigration Act 2009.
 - (h) Section 4C was inserted by section 46 of the Borders, Citizenship and Immigration Act 2009.
 - (i) Section 10(1) was amended by paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (j) Section 10(2) was amended by paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002 and by paragraph 73 of Schedule 27 to the Civil Partnership Act 2004 (c.33).
 - (k) Paragraph 3 of Schedule 2 was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002 and paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (l) Paragraph 3 of Schedule 2 was amended by sections 1(1)(b) and 2(3) of the British Overseas Territories Act 2002.
 - (m) Section 24 was amended by section 2(2) of the British Overseas Territories Act 2002 c.8.
 - (n) Section 15(3) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (o) Section 15(4) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (p) Section 17(1) was amended by section 2(2) of the British Overseas Territories Act 2002.
 - (q) Section 17(2) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (r) Section 17(5) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (s) Section 22(1) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002 and paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (t) Section 22(2) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002, paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002 c.41 and paragraph 77 of Schedule 27 to the Civil Partnership Act.
 - (u) 1989 c. 41.
 - (v) 1995 c. 36.
 - (w) S.I. 1995/ 755 (N.I. 2).
 - (x) 1999 c.33; section 94(1) was amended by section 60(2) of the Nationality, Immigration and Asylum Act 2002 and paragraph 180 of Schedule 3 to the Transfer of Tribunal Functions Order 2008/2833 (S.I. 2008/2833).

- (a) on the day on which the Secretary of State notifies the claimant of the decision on the claim,
- (b) if the claimant has appealed against the Secretary of State’s decision, on the day on which the appeal is disposed of, or
- (c) if the claimant has brought an appeal from within the United Kingdom, against an immigration decision under section 82 of the Nationality, Immigration and Asylum Act 2002(a) or section 2 of the Special Immigration Appeals Commission Act 1997(b), on the day on which the appeal is disposed of;

“Council of Europe Social Charter” means the Council of Europe Treaty establishing social and economic human rights signed in Turin on 18th October 1961(c);

“Council of Europe Revised Social Charter” means the Council of Europe Treaty signed in Strasbourg on 3rd May 1996(d);

“Crown Dependencies” means the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man;

“dependant” in respect of a person means—

- (a) the spouse, civil partner or unmarried or same-sex partner, or
- (b) a child,

of that person;

“English charity” means a charity as defined in section 1 of the Charities Act 2006(e);

“entry clearance” has, subject to regulation 36, the same meaning as provided in section 33(1) of the 1971 Act(f);

“European Community Association Agreement” means the—

- (a) Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12 September 1963,
- (b) Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, signed at Brussels on 8th March 1993, and
- (c) Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Romania, of the other part, signed at Brussels on 1st February 1993;

“Foreign and Commonwealth Office’s Bilateral Programmes” refers to programmes operated by the Foreign and Commonwealth Office to give funds directly to Embassies and Missions outside the United Kingdom to support activities directly connected to the United Kingdom’s international priorities;

“Foreign and Commonwealth Office’s Strategic Programmes” refers to programmes of funding operated by the Foreign and Commonwealth Office to promote action on global issues in areas of strategic importance to the United Kingdom;

“Highly Skilled Migrant Programme” means the programme operated by the Secretary of State for highly skilled migrants under the immigration rules;

“Home Office approved training” means Home Office approved training under Part 4 of the immigration rules;

“immigration and nationality fees regulations” means regulations made under sections 51(3), 52(1) and (3) of the 2006 Act;

(a) 2002 c.41.
 (b) Amended by section 114(3) of the Nationality, Immigration and Asylum Act 2002.
 (c) (CETS NO.:035).
 (d) (CETS NO.:163).
 (e) 2006 c. 50.
 (f) The definition of “entry clearance” in section 33(1) was amended by paragraph 2 of Schedule 4 to the 1981 Act and paragraph 5 of the Schedule to the Immigration Act 1988 (c.14).

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

“leave to enter the United Kingdom” means leave to enter the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules and any subsequent variation of that leave;

“leave to remain in the United Kingdom” means leave to remain in the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules and any subsequent variation of that leave;

“Northern Ireland charity” means a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008(a);

“premium case working basis” means the processing of applications under the super premium service offered by the United Kingdom Border Agency to applicants seeking to extend their stay in the United Kingdom;

“Public Enquiry Office” means a public enquiry office of the United Kingdom Border Agency;

“Scottish charity” means a body entered in the Scottish Charity Register;

“seasonal agricultural worker” means a seasonal agricultural worker under Part 4 of the immigration rules;

“Sectors-Based Scheme” means the programme operated by the Secretary of State for employment as a sector based worker under the immigration rules;

“small sponsor” means a sponsor that is either—

- (a) a company that qualifies as small in accordance with sections 382 and 383 of the Companies Act 2006(b); or
- (b) in the case of a person who is not a company for the purposes of those sections, a person who employs no more than 50 employees; or
- (c) a charity;

“sponsor” means a sponsor under Part 6A of the immigration rules;

“sponsor licence” means a licence granted by the Secretary of State under the immigration rules allowing a person to act as a sponsor;

“Tier 1 Migrant” has the same meaning as provided in the immigration rules;

“Tier 1 (General) Migrant” has the same meaning as provided in the immigration rules;

“Tier 1 (Entrepreneur) Migrant” has the same meaning as provided in the immigration rules;

“Tier 1 (Exceptional Talent) Migrant” has the same meaning as provided in the immigration rules;

“Tier 1 (Investor) Migrant” has the same meaning as provided in the immigration rules;

“Tier 1 (Post-Study Work) Migrant” has the same meaning as provided in the immigration rules;

“Tier 2 Migrant” has the same meaning as provided in the immigration rules;

“Tier 2 (Intra-Company Transfer) Migrant” has the same meaning as provided in the immigration rules;

“Tier 1 (Post-Study Work) Migrant” has the same meaning as provided in the immigration rules;

“Tier 4 Migrant” has the same meaning as provided in the immigration rules;

“Tier 5 Migrant” has the same meaning as provided in the immigration rules;

“Tier 5 (Temporary Worker) Migrant” has the same meaning as provided in the immigration rules;

(a) 2008 c. 12.

(b) 2006 c. 46.

“unmarried or same sex partner” of a person means someone who is living with that person in a relationship akin to marriage or civil partnership which has subsisted for two years or more;

“work permit employment” means employment as a work permit holder under the immigration rules;

“United Kingdom Border Agency” means the United Kingdom Border Agency of the Home Office;

“United Kingdom Border Agency website” means the public website maintained by the United Kingdom Border Agency^(a).

Fees for applications for leave in the United Kingdom

3.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom—

- (a) for the purposes of employment under the Sectors-Based Scheme;
- (b) for Home Office approved training; or
- (c) as a seasonal agricultural worker,

the fees are those specified in paragraph (2).

(2) The fees are—

- (a) £550 where such application is made in person at a Public Enquiry Office; or
- (b) £350 for an application made by post or courier or via the United Kingdom Border Agency website.

(3) This regulation is subject to regulations 16, 17, 19 and 20.

4.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom for work permit employment the fee is—

- (a) £850 where such application is made in person at a Public Enquiry Office; or
- (b) £550 for an application made by post or courier or via the United Kingdom Border Agency website.

(2) This regulation is subject to regulations 16, 17, 19 and 20.

5.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom as—

- (a) a retired person of independent means; or
- (b) a sole representative,

under the immigration rules, the fee is £1,000.

(2) This regulation is subject to regulations 17, 19 and 20.

6.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 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).

(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-paragraphs (b) and (c), £1,000 for an application made by post or courier or via the United Kingdom Border Agency website;
- (b) subject to sub-paragraph (c), £900 for an application made by post or courier or via the United Kingdom Border Agency website for leave to remain as a Tier 1 (General)

(a) www.ukba.homeoffice.gov.uk.

Migrant or a Tier 1 (Entrepreneur) Migrant where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter ;

- (c) subject to regulation 16, £500 for an application for leave to remain as a Tier 1 Migrant made by post or courier or via the United Kingdom Border Agency website for leave to remain in respect of a person who has previously been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application;
- (d) subject to sub-paragraphs (e) and (f), £1,300 where such application is made in person at a Public Enquiry Office;
- (e) subject to sub-paragraph (f), £1,170 for an application made in person at a Public Enquiry Office where the application is for leave to remain as a Tier 1 (General) Migrant or a Tier 1 (Entrepreneur) Migrant and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;
- (f) subject to regulation 16, £700 for an application for leave to remain as a Tier 1 Migrant made in person at Public Enquiry Office in respect of a person who has previously 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—

- (a) £594 for an application made by post or courier or via the United Kingdom Border Agency website; or
- (b) £918 where such application is made in person at a Public Enquiry Office.

(4) This regulation is subject to regulations 19 and 20.

7.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom, other than an application referred to in paragraph (2), the fee is—

- (a) £850 where such application is made in person at a Public Enquiry Office; or
- (b) £550 for an application made by post or courier or via the United Kingdom Border Agency website.

(2) The fee referred to in paragraph (1) does not apply to applications for limited leave to remain in the United Kingdom—

- (a) for work permit employment;
- (b) for the purposes of employment under the Sectors-Based Scheme;
- (c) for Home Office approved training;
- (d) as a seasonal agricultural worker;
- (e) as a retired person of independent means;
- (f) as a sole representative;
- (g) as a student;
- (h) to re-sit an examination;
- (i) to write up a thesis;
- (j) as a student union sabbatical officer;
- (k) as a prospective student; or
- (l) of a kind identified in the immigration rules as requiring to be considered under a “Points-Based System”,

under the immigration rules.

(3) This regulation is subject to regulations 14, 18, 19 and 20.

8.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 2 Migrant the fee is—

- (a) subject to sub-paragraphs (b), (e) and (f), £550 for an application made by post or courier or via the United Kingdom Border Agency website;
- (b) £495 where such application made by post or courier or via the United Kingdom Border Agency website is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;
- (c) subject to sub-paragraphs (d), (g) and (h), £850 for an application made in person at a Public Enquiry Office;
- (d) £765 where such application made in person at a Public Enquiry Office is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter.
- (e) subject to sub-paragraph (f), £350 for an application made by post or courier or via the United Kingdom Border Agency website where the application is for limited leave to remain as a Tier 2 (Intra-Company Transfer) Migrant for a period of not more than 12 months;
- (f) £315 for an application made by post or courier or via the United Kingdom Border Agency website where—
 - (i) the application is for limited leave to remain as a Tier 2 (Intra-Company Transfer) Migrant for a period of not more than 12 months; and
 - (ii) the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;
- (g) subject to sub-paragraph (h), £650 for an application made in person at a Public Enquiry Office for limited leave to remain as a Tier 2 (Intra-Company Transfer) Migrant for a period of not more than 12 months;
- (h) £585 for an application made in person at a Public Enquiry Office where—
 - (i) the application is for limited leave as a Tier 2 (Intra-Company Transfer) Migrant for a period of not more than 12 months; and
 - (ii) the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;

(2) This regulation is subject to regulations 19, 20 and 21.

9.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 4 Migrant, the fee is—

- (a) £386 for an application made by post or courier or via the United Kingdom Border Agency website;
- (b) £702 for an application made in person at a Public Enquiry Office.

(2) This regulation is subject to regulations 17, 18, 19 and 20.

10.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 5 (Temporary Worker) Migrant and the application is made in person at a Public Enquiry Office, the fee is—

- (a) subject to sub-paragraph (b), £648; or
- (b) £583 where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter.

(2) This regulation is subject to regulations 17, 18, 19 and 20.

Dependants of applicants for limited leave to remain

11.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for limited leave to remain in the United Kingdom as the dependant of a person applying for limited leave to remain in the United Kingdom, the fee is—

- (r) £175 where the application is made as the dependant of a person making an application referred to in regulation 8(1)(e) and is made at the same time and by the same method as that person's application; or
 - (s) £175 where the application is made as the dependant of a person making an application referred to in regulation 8(1)(f) and is made at the same time and by the same method as that person's application; or
 - (t) £325 where the application is made as the dependant of a person making an application referred to in regulation 8(1)(g) and is made in person on the same day and at the same Public Enquiry Office as that person's application; or
 - (u) £325 where the application is made as the dependant of a person making an application referred to in regulation 8(1)(h) and is made in person on the same day and at the same Public Enquiry Office as that person's application; or
 - (v) £193 where the application is made as the dependant of a person making an application referred to in regulation 9(1)(a) and is made at the same time and by the same method as that person's application; or
 - (w) £351 where the application is made as the dependant of a person making an application referred to in regulation 9(1)(b) and is made in person on the same day and at the same Public Enquiry Office as that person's application; or
 - (x) £324 where the application is made as the dependant of a person making an application referred to in regulation 10(1)(a) and is made in person on the same day and at the same Public Enquiry Office as that person's application; or
 - (y) £324 where the application is made as the dependant of a person making an application referred to in regulation 10(1)(b) and is made in person on the same day and at the same Public Enquiry Office as that person's application.
- (2) This regulation is subject to regulations 17, 19 and 20.

Indefinite Leave to Remain

12.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for indefinite leave to remain in the United Kingdom, the fee is—

- (a) subject to sub-paragraphs (b) and (c), £1,350 where the application is made in person at a Public Enquiry Office;
- (b) £1,215 where the application is made in person at a Public Enquiry Office in so far as the application is in respect of a person—
 - (i) to whom paragraph (2) applies; and
 - (ii) who is a national of a state which has ratified the Council of Europe Social Charter;
- (c) £2,214 where the application is made in person at a Public Enquiry Office in respect of a parent, grandparent or other dependant relative of a person present and settled in the United Kingdom, applying under paragraph 317 of the immigration rules;
- (d) subject to sub-paragraphs (e) and (f), £972 where the application is made by post or courier or via the United Kingdom Border Agency website;
- (e) £875 where the application is made by post or courier or via the United Kingdom Border Agency website in so far as the application is in respect of a person—
 - (i) to whom paragraph (2) applies; and
 - (ii) who is a national of a state which has ratified the Council of Europe Social Charter;
- (f) £1,814 where the application is made by post or courier or via the United Kingdom Border Agency website and is in respect of a parent, grandparent or other dependent relative of a person present and settled in the United Kingdom, applying under paragraph 317 of the immigration rules.

(2) This paragraph applies to the following—

- (a) a work permit holder;

- (b) a highly skilled Migrant;
- (c) a Tier 1 (General) Migrant;
- (d) a Tier 1 (Entrepreneur) Migrant;
- (e) a Tier 2 Migrant;

under the immigration rules.

(3) This regulation is subject to regulations 14, 15, 18, 19 and 20.

13.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is for indefinite leave to remain in the United Kingdom and the applicant applies as a dependant, the fee is—

- (a) £675 where the application is made as the dependant of an applicant referred to in regulation 12(1)(a) and is made in person on the same day and at the same Public Enquiry Office as that person’s application; or
- (b) £675 where the application is made as the dependant of an applicant referred to in regulation 12(1)(b) and is made in person on the same day and at the same Public Enquiry Office as that person’s application; or
- (c) £486 where the application is made as the dependant of an applicant referred to in regulation 12(1)(d) and is made at the same time and by the same method as that person’s application; or
- (d) £486 where the application is made as the dependant of an applicant referred to in regulation 12(1)(e) and is made at the same time and by the same method as that person’s application.

(2) This regulation is subject to regulations 14, 15, 19 and 20.

Exceptions in respect of fees for leave to remain applications

14. No fee is payable in connection with an application for leave to remain in the United Kingdom, which is made on the basis that the applicant is—

- (a) a person making a claim for asylum which has not been determined or has been granted;
- (b) a person who has been granted humanitarian protection under the immigration rules;
- (c) a person who has been granted limited leave to enter or remain in the United Kingdom outside the provisions of the immigration rules on the rejection of their claim for asylum;
- (d) a person who is a dependant of a person referred to in paragraph (a), (b) or (c) and is applying for leave to enter or remain in the United Kingdom under paragraphs 352A to 352FI of the immigration rules; or
- (e) a child who does not come within paragraph (d) who was born in the United Kingdom to a person referred to in paragraph (a), (b) or (c).

15. No fee is payable in connection with an application referred to in regulations 12 or 13, where the application is for indefinite leave to remain in the United Kingdom as a victim 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.

16. No fee is payable in connection with applications referred to in—

- (a) regulations 3 or 4; or
- (b) regulation 6(2)(c) or (f),

where the application 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.

17. No fee is payable in respect of applications referred to in regulations 3, 4, 5, 9, 10 or 11 if the application is made to an immigration officer on arrival at a port of entry in the United

Kingdom in respect of a person seeking variation of leave to enter or remain in the United Kingdom for a period of up to 6 months.

18. No fee is payable in respect of an application referred to in regulations 7, 9, 10 or 12 if the application is made in respect of a person who, at the time of making the application, is a child and is being provided with assistance by a local authority (or, in Northern Ireland, an authority, which has the meaning given in article 2(2) of the Children (Northern Ireland) Order 1995).

19.—(1) Where two or more applications for limited leave to remain or indefinite leave to remain in the United Kingdom are made at the same time, or are being considered by the Secretary of State, in respect of the same person and fees are specified in respect of those applications, a single fee shall be payable.

(2) The fee payable shall be the higher, or as the case may be, the highest of the fees specified in respect of those applications, where those fees are different.

20. No fee is payable in respect of an application referred to in regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 or 13 if it is made under the terms of a European Community Association Agreement.

21.—(1) No fee is payable in respect of an application referred to in regulation 8 where—

- (a) the applicant was granted leave to remain in the United Kingdom for 3 years as a Tier 2 Migrant on the basis that they were a Qualifying Work Permit Holder under Part 6A of the immigration rules;
- (b) the application is made to extend the duration of the leave to remain referred to in sub-paragraph (a) to 5 years; and
- (c) the applicant is still working for the same employer as they were when the leave to remain referred to in sub-paragraph (a) was granted.

(2) In paragraph (1)(c) “working for the same employer” has the meaning provided in paragraph 245ZB of Part 6A of the immigration rules.

Fees for nationality applications

22.—(1) Subject to paragraph 2, in the case of an application to which article 3(2)(h) or (j) of the 2011 Order applies, namely an application for naturalisation, the fee is £756.

(2) Subject to paragraph (3), where either a husband and wife, or two people who are civil partners of each other, apply at the same time for naturalisation as British citizens or British overseas territories citizens and at the time of the applications are residing together, the total fee payable in respect of those applications is £1,134.

(3) Paragraph (2) does not apply to any fee which is payable in respect of the arrangement of a citizenship ceremony.

23.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(k) to (n) of the 2011 Order applies, namely an application for registration, the fee is £540.

(2) Where an application for registration is made in respect of two children and those children have the same parent, or parents, the total fee payable in respect of that application shall be £810, with an increase of £270 to that fee for every additional child registered.

(3) In this regulation, “parent” includes a step-parent and an adoptive parent.

Fees for applications for sponsor licences

24.—(1) In the case of an application to which article 3(2)(t) of the 2011 Order applies, where the application is not in respect of a person who, if granted a sponsor licence, would be a small sponsor, and the application is for a licence, or the renewal of a licence, referred to in paragraph (2), the fee is £1,025.

(2) The licences are—

- (a) a sponsor licence in respect of Tier 2 Migrants;

- (b) a sponsor licence in respect of Tier 2 and Tier 4 Migrants;
- (c) a sponsor licence in respect of Tier 2 and Tier 5 Migrants; and
- (d) a sponsor licence in respect of Tier 2, Tier 4 and Tier 5 Migrants.

Fees for entry clearance applications

25.—(1) In the case of an application to which article 3(2)(b) of the 2011 Order applies, namely an application for entry clearance —

- (a) subject to sub-paragraph (b), where the application is for entry clearance as a Tier 1 (General) Migrant, a Tier 1 (Investor) Migrant, a Tier 1 (Entrepreneur) Migrant or a Tier 1 (Exceptional Talent) Migrant, the fee is £800;
- (b) where the application is for entry clearance as a Tier 1 (General) Migrant, a Tier 1 (Entrepreneur) Migrant or a Tier 1 (Exceptional Talent) Migrant and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £720;
- (c) where the application is for entry clearance as a Tier 1 (Post-Study Work) Migrant, the fee is £474;
- (d) where the application is for entry clearance as the dependant of a Tier 1 (General) Migrant, a Tier 1 (Investor) Migrant, a Tier 1 (Entrepreneur) Migrant or a Tier 1 (Exceptional Talent) Migrant the fee is £800;
- (e) where the application is for entry clearance as the dependant of a Tier 1 (Post-Study Work) Migrant, the fee is £474;
- (f) subject to sub-paragraphs (g), (h) and (i), where the application is for entry clearance as a Tier 2 Migrant, the fee is £400;
- (g) where the application is for entry clearance as a Tier 2 Migrant and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £360;
- (h) subject to sub-paragraph (i) where the application is for entry clearance as a Tier 2 (Intra-Company Transfer) Migrant for a period of not more than 12 months, the fee is £350;
- (i) where the application is for entry clearance as a Tier 2 (Intra-Company Transfer) Migrant for a period of not more than 12 months and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £315;
- (j) subject to sub-paragraph (k), where the application is for entry clearance as the dependant of a Tier 2 Migrant, the fee is £400;
- (k) where the application is for entry clearance as a dependant of a Tier 2 (Intra-Company Transfer Migrant) for a period of not more than 12 months, the fee is £350;
- (l) subject to sub-paragraph (m), where the application is for entry clearance for settlement in the United Kingdom, the fee is £810;
- (m) where the application is for entry clearance for settlement in respect of a parent, grandparent or other dependant relative of a person present and settled in the United Kingdom, applying under paragraph 317 of the immigration rules, the fee is £1,814;
- (n) where the application is for entry clearance as a visitor for a period of more than 6 months the fee is—
 - (i) £265 for a period of not more than 2 years;
 - (ii) £486 for a period of more than 2 years but not more than 5 years;
 - (iii) £702 for a period of more than 5 years but not more than 10 years;
- (o) where the application is for entry clearance other than—
 - (i) for the purposes listed in sub-paragraphs (a) to (n);
 - (ii) as a visitor for a period of six months or less under the immigration rules;
 - (iii) as a student under the immigration rules;

- (iv) as a Tier 4 Migrant;
- (v) as a Tier 5 Migrant; or
- (vi) for passing through the United Kingdom,
the fee is £265.

(2) This regulation is subject to regulations 26 and 27.

Exceptions and waivers in respect of fees for entry clearance applications

26. No fee is payable by the applicant in relation to an application referred to in regulation 25 where—

- (a) the application is made in connection with the official duty of any official of Her Majesty's Government;
- (b) the application is made under paragraphs 352A to 352FI of the immigration rules; or
- (c) the Secretary of State determines that the fee should be waived.

27. The official determining the application may decide to waive the payment of a fee or reduce the fee required under regulation 25 where—

- (a) it is made by a candidate for or holder of a scholarship funded by Her Majesty's Government and is in connection with such scholarship;
- (b) the official so decides as a matter of international courtesy; or
- (c) the applicant intends to visit the United Kingdom in connection with one of the Foreign and Commonwealth Office's Strategic or Bilateral Programmes.

Fees for transfer of conditions

28.—(1) Subject to paragraph (2), in the case of an application made in person at a Public Enquiry Office to which article 3(2)(e) of the 2011 Order applies, namely the fixing of a stamp, sticker or other attachment on a passport or other document issued to the applicant which indicates that a person has been granted limited, or indefinite, leave to enter or remain in the United Kingdom, the fee is £648.

(2) Where an application referred to in paragraph (1) is made by an applicant and at the same time a similar application is made on behalf of one of or more of his dependants, the fee in respect of each dependant's application is £324.

Fee for the expedited provision of documents under Part 3 of the Immigration (European Economic Area) Regulations 2006 at Public Enquiry Offices

29.—(1) In the case of an application, to which article 3(2)(v) of the 2011 Order applies, namely an application for a residence card or a permanent residence card no fee may be charged for the card itself but a fee of £300 shall be charged where—

- (a) the application is made in person at a Public Enquiry Office; and
- (b) the applicant applies for the processing of the application to be expedited.

(2) In this regulation "residence card" and "permanent residence card" have the same meaning as provided in the Immigration (European Economic Area) Regulations 2006(a).

Fee for applications made on a premium case working basis

30. The fee for an application for limited leave to remain in the United Kingdom which is made on a premium case working basis, to which articles 3(2)(a) or (c) of the 2011 Order apply, is the

(a) S.I. 2006/1003.

fee that would be payable under these Regulations or other immigration and nationality fees regulations were the application made in person at a Public Enquiry Office.

31. In addition to the fee specified in regulation 30 in respect of an application made on a premium case working basis, a fee of £6,000 is payable where a representative of the Secretary of State comes to a premises for the purposes of an application, this being a service to which article 4(i) of the 2011 Order applies.

Fee for the provision of services outside office hours

32. In the case of the provision of a service to which article 4(j) of the 2011 Order applies, the fee is:

- (a) subject to paragraph (b), £300 for the provision by a representative of the Secretary of State of a service at a Public Enquiry Office outside office hours relating to an application referred to in these Regulations or any other immigration and nationality fees regulations in force at the time the application made; and
- (b) £150 for the provision of the service referred to in sub-paragraph (a), where that service is provided in relation to an application where the applicant is applying as a dependant of a person making an application referred to in these Regulations or any other immigration and nationality fees regulations in force at the time the application is made.

33. The fee for the provision of the services referred to in regulation 32 is payable in addition to the fee for the application in respect of which the service is provided, as specified in these Regulations or any other immigration and nationality fees regulations in force at the time the application is made.

Fee for the process of issuing a certificate of sponsorship

34.—(1) Subject to paragraph (2), in the case of a process to which article 5 of the 2011 Order applies, the fee is £175 where the process is the issuing of a certificate of sponsorship in respect of an application or potential application for leave to remain in or enter the United Kingdom as a Tier 2 Migrant.

(2) No fee is payable under paragraph (1) where the certificate of sponsorship is issued in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter.

Fees in respect of applications involving the exercise of consular functions

35.—(1) In the case of the following applications, to which article 6 of the 2011 Order applies, namely applications received outside the United Kingdom for entry clearance into the Crown Dependencies, the fees are—

- (a) £265 for entry clearance as a visitor for single, double and multiple entries valid for a period of more than six months but not more than two years;
- (b) £486 for entry clearance as a visitor for single, double and multiple entries valid for a period of more than two years but not more than five years;
- (c) £702 for entry clearance as a visitor for single, double and multiple entries valid for a period of more than five years but not more than ten years;
- (d) £810 for entry clearance for settlement;
- (e) £400 for entry clearance for work permit employment, unless sub-paragraph (f) applies;
- (f) £360 for entry clearance for work permit employment where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter; or
- (g) £265 for entry clearance for any purpose other than those listed in sub-paragraphs (a) to (f) or for which fees are specified in any other immigration or nationality regulations in force at the time the application is made.

(2) In this regulation “entry clearance” means a visa, entry certificate, entry permit or other document which in accordance with the applicable immigration laws or rules, is to be taken as evidence of a person’s eligibility for entry into a Crown Dependency.

36. The fees specified in regulation 35 are to be charged in place of the fees for the applications referred to in that regulation specified in paragraph 28 of Schedule 1 to the Consular Fees Order 2010(a).

Consequences of failing to pay the specified fee

37. Where an application to which these Regulations refer is to be accompanied by a specified fee, the application is not validly made unless it has been accompanied by that fee.

Revocation

38. The Immigration and Nationality (Fees)(No.2) Regulations 2010 (b) are revoked.

Home Office
Date

Minister of State

We consent

Two of the Lords Commissioners of Her Majesty’s Treasury

(a) S.I. 2010/238.
(b) S.I. 2010/778.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 51(3), 52(1) and 52(3) of the Immigration, Asylum and Nationality Act 2006, specify fees relating to immigration and nationality. They follow on from the Immigration and Nationality (Fees) Order 2011, which sets out the applications, services and processes related to immigration and nationality in respect of which fees may be specified in regulations.

These Regulations specify fees in cases where the amount of the fee either exceeds the administrative costs incurred by the Secretary of State or reflects the costs related to other applications, services or processes relating to immigration or nationality. The Secretary of State is permitted to set fees exceeding the administrative costs of processing an application or providing a process or service by sections 42 (1), (2), and (2A) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Under section 42(7) of that Act any instrument made in reliance on sections 42(1), (2) and (2A), such as these Regulations, must be approved by both Houses of Parliament before it is made.

These Regulations replace, with modifications, the Immigration and Nationality (Fees)(No.2) Regulations 2010. They specify fees relating to; applications for limited and indefinite leave to remain in the United Kingdom, applications for entry clearance into the United Kingdom, and applications relating to nationality. They include fees for applications for entry clearance or leave to remain made under the Points Based System set out in Part 6A of the immigration rules. These Regulations in addition specify the fees for various services and processes, including the expedited provision of residence cards and permanent residence cards, the processing of applications for limited leave to remain made on a premium case working basis and the provision of services by the United Kingdom Border Agency outside office hours. Finally these Regulations specify a number of fees for applications made outside the United Kingdom for entry clearance into Jersey, Guernsey, and the Isle of Man. These fees were previously charged under the Consular Fees Order 2010; the fees in these Regulations replace the fees specified in that Order.

Fees relating to immigration and nationality applications, processes and services, which do not exceed the administrative costs involved, are specified in other regulations made under sections 51(3), 52(1) and 52(3) of the Immigration, Asylum and Nationality Act 2006.

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