

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

2016 No.

**IMMIGRATION
NATIONALITY**

The Immigration and Nationality (Fees) Order 2016

Made - - - - 2016

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(2) and 74(8) 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, extent and interpretation

- 1.—(1) This Order may be cited as the Immigration and Nationality (Fees) Order 2016.
 - (2) It comes into force on the day after the day on which it is made.
 - (3) This Order extends to England and Wales, Scotland and Northern Ireland.
 - (4) Articles 1 to 5 extend to the Isle of Man, but only for the purpose of issuing entry clearance to enter the Isle of Man.
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⁾;

(1) In pursuance of section 69(1) of the Immigration Act 2014 (c. 22).
(2) 2014 c. 22. See definition of “specified” in section 68(12) of that Act. Sections 68 and 69 of that Act were extended with modifications to the Isle of Man, for the purposes of functions exercised outside the Isle of Man only, by articles 22 and 23 of the Immigration (Isle of Man) Order 2008 S.I. 2008/680; as amended by S.I. 2015/1765.
(3) 1971 c. 77.
(4) 1981 c. 61.
(5) 1997 c. 20.

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

“the 2008 Regulations” means the Immigration (Biometric Registration) Regulations 2008(7);

“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;

“basic service” has the same meaning as provided in regulation 3 of the Immigration Control (Charges) (Basic Service) Regulations 2003(8);

“biometric immigration document” has the same meaning as provided in section 5 of the UK Borders Act 2007(9);

“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(10);

“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(11);

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

“certificate of registration or naturalisation” means a certificate of registration or naturalisation issued under 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(12) 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;

(6) S.I. 1986/948.

(7) S.I. 2008/3048, as amended by S.I. 2009/819, S.I. 2012/594 and S.I. 2015/433.

(8) S.I. 2003/1502.

(9) 2007 c. 30.

(10) 2002 c. 8.

(11) S.I. 1982/1070.

(12) 1968 c. 18.

“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” –

- (a) subject to sub-paragraph (b), has the same meaning as provided in section 33(1) of the 1971 Act(**13**);
- (b) in relation to the Isle of Man has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Isle of Man(**14**);

“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(**15**);

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

“immigration decision letter” means a letter or other document which records a decision in connection with immigration or nationality, but does not provide evidence of leave to enter or leave to remain in the United Kingdom;

“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;

“registered traveller service” means the discretionary service offered by the Home Office enabling the expedited entry of persons registered on the scheme into the United Kingdom, or the transit of such persons through the United Kingdom;

“right of abode” has the same meaning as provided in section 2 of the 1971 Act(**16**);

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

“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;

“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

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

(14) The definition of “entry clearance” in section 33(1) was extended with modifications to the Isle of Man by the Immigration (Isle of Man) Order 2008, S.I. 2008/680; as amended by S.I. 2015/1765; there are other amendments to that Order but none are relevant for the present purposes.

(15) 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).

(16) 1971 c. 77; section 2 was amended by section 39(2) of the 1981 Act.

economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;

“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 given 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 that 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 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 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.

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

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

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

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

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

Table 1

Number	Type of application	Method of calculation	Maximum amount/rate
1.1	Entry clearance as a visitor for a period of six months or less.	Fixed amount	£95
1.2	Entry clearance as a visitor for a period of more than six months up to and including twelve months.	Fixed amount	£200

1.3	Entry clearance as a visitor for a period of more than twelve months.	Annual rate	£200
1.4	Leave to remain in the United Kingdom as a visitor.	Fixed amount	£1,000

Applications for leave to enter or leave to remain in the United Kingdom, or entry clearance to enter the United Kingdom or the Isle of Man, 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 leave to enter the United Kingdom, leave to remain in the United Kingdom, or entry clearance to enter the United Kingdom or the Isle of Man, of a type specified in table 2.

(2) Table 2 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 leave to remain in the United Kingdom.

Table 2

<i>Number</i>	<i>Type of application</i>	<i>Maximum amount</i>
2.1	Entry clearance or limited leave as a sponsored worker, where a certificate of sponsorship has been issued.	£1,500
2.2	Entry clearance or limited leave as an unsponsored worker.	£2,000
2.3	Entry clearance or limited leave as a student.	£480
2.4	Entry clearance or limited leave 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.	£3,250
2.5	Entry clearance or limited leave for any purpose (excluding visits) not referred to in the preceding provisions of this table.	£2,000
2.6	Indefinite leave.	£3,250

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, claim or request, specified in table 3.

(2) Table 3 specifies how the fee is to be calculated and the maximum amount or rate that may be charged in respect of each document or administrative activity.

Table 3

<i>Number</i>	<i>Type of application, claim, request or administrative activity</i>	<i>Method of calculation</i>	<i>Maximum amount/rate</i>
3.1	Application or request for documents		

<i>Number</i>	<i>Type of application, claim, request or administrative activity</i>	<i>Method of calculation</i>	<i>Maximum amount/rate</i>
3.1.1	Biometric immigration document applied for in accordance with— (a) regulation 19(1)(a) of the 2008 Regulations (17) to replace a biometric immigration document which has been cancelled under— (i) regulation 17(b) where the applicant is within the United Kingdom, (ii) regulation 17(c) to (e), (iii) regulation 17(f) (other than where the document needs to be reissued because some substantive alteration is required to the information recorded in the cancelled document), or (iv) regulation 17(g) of those Regulations; or (b) regulation 19(1)(b) of the 2008 Regulations (18).	Fixed amount	£75
3.1.2	Transfer of conditions.	Fixed amount	£550
3.1.3	Immigration employment document.	Fixed amount	£550
3.1.4	Approval letter.	Fixed amount	£2,000
3.1.5	Electronic Visa Waiver.	Fixed amount	£75
3.1.6	Transit visa.	Fixed amount	£75
3.1.7	Travel document.	Fixed amount	£400
3.1.8	European residence document.	Fixed amount	£100
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.	Fixed amount	£550
3.1.10	Copy, or replacement, or amended version of any of the documents specified above.	Fixed amount	£550
3.1.11	Copy or replacement of immigration decision letters, correspondence or applications, relating to immigration or nationality status.	Rate per page	£1

(17) Regulation 19(1)(a) was amended by regulation 8 of S.I. 2009/819 and S.I. 2015/433.

(18) Regulation 19(1)(b) was amended by regulation 16(b) of S.I. 2015/433.

<i>Number</i>	<i>Type of application, claim, request or administrative activity</i>	<i>Method of calculation</i>	<i>Maximum amount/rate</i>
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.	Fixed amount	£250
3.2.2	Taking a record of a person's biometric information.	Fixed amount	£30
3.2.3	The review of a decision in connection with immigration or nationality.	Fixed amount	£400
3.2.4	Processing of an application or claim which is subsequently rejected as invalid.	Fixed amount	£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 or maintenance of such licence.	£2,000
4.2	Allocation of a certificate of sponsorship.	£300
4.3	Allocation of a confirmation of acceptance for studies.	£300
4.4	The process of determining, or a plan to determine, a sponsor's status or their suitability to be included on or remain on the register of licensed sponsors maintained by the Secretary of State.	£2,000
4.5	Permission for a person with leave to enter or remain in the United Kingdom to change his/her sponsor or course of study.	£300
4.6	Premium services for sponsors.	£40,000

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 amount 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	£175
5.2	The acceptance or processing of an application or claim in connection with immigration or nationality at consular premises.	Fixed amount	£80
5.3	Receiving, preparing or forwarding documents where such activity is conducted at consular premises.	Fixed amount	£175

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, claim 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 amount	£1,000
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 amount	£75
6.3	Arrangement of an appointment for the purposes of making an application or claim (or any part of such 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 amount	£150
6.4	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	Fixed amount	£10,500

<i>Number</i>	<i>Function</i>	<i>Method of calculation</i>	<i>Maximum amount</i>
	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 amount	£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 amount	£75
6.7	The acceptance and checking of documents submitted in support of an application in connection with immigration or nationality.	Fixed amount	£150
6.8	Arrangements for expediting the entry of a passenger into, or transit of a passenger through, the United Kingdom under the registered traveller service.	Annual rate	£75
6.9	Registration of an identity document, including a passport or other such identity document, in relation to an arrangement for expediting the entry of a passenger into, or transit of a passenger through, the United Kingdom.	Fixed amount	£75
6.10	Arrangements for expediting the entry of a passenger into, or transit of a passenger through, the United Kingdom where not specified elsewhere in this table.	Fixed amount	£20
6.11	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.	Hourly rate per officer or per facility	£150
6.12	The provision of advice, assistance or training in relation to functions in connection with immigration or nationality.	Rate per minute per officer	£2.50
6.13	Operation of a scheme enabling members to access a range of premium services in connection with immigration or nationality.	Fixed amount	£40,000

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 specifies the maximum amount that may be charged in respect of each application or request, for a process or service.

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.	£1,500
7.2	Registration as a British citizen, a British subject, a British protected person, a British overseas citizen or a British overseas territories citizen.	£1,500
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.	£400
7.4	Amendment of a certificate of registration or naturalisation as a British citizen.	£250
7.5	Arrangement of a citizenship ceremony.	£100
7.6	Administration of a citizenship oath, or oath and pledge, where not administered at a citizenship ceremony.	£10
7.7	Issuing of a document confirming that a person has the right of abode in the United Kingdom.	£550
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.	£250
7.9	Supply of a copy, or replacement, or amended version of any of the documents specified above.	£250

Revocation and saving

11.—(1) The Immigration and Nationality (Fees) Order 2015(19) is revoked.

(2) Notwithstanding this revocation, the Immigration and Nationality (Fees) Order 2015 continues to have effect for the purposes of the Immigration and Nationality (Fees) Regulations 2015(20).

(19) S.I. 2015/746.

(20) S.I. 2015/768, as amended by S.I. 2015/1424.

Date

Name
Minister of State
Home Office

We consent

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” (c. 22)), 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) and (4) 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 made 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.