

2008 No. 166

IMMIGRATION

**The Immigration and Nationality (Fees)(Amendment)
Order 2008**

Made - - - - - *28th January 2008*

Coming into force - - - - - *29th January 2008*

A draft of this Order has been laid before and approved by a resolution of each House of Parliament, in pursuance of section 52(4)(b) of the Immigration, Asylum and Nationality Act 2006(a);

In exercise of the powers conferred by section 51(1) and (2)(b) of that Act and with the consent of the Treasury(b), the Secretary of State makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration and Nationality (Fees) (Amendment) Order 2008 and shall come into force on the day after the day on which it is made.

Amendment

2. The Immigration and Nationality (Fees) Order 2007(c) shall be amended as follows.

3. In article 2 –

(a) after “the 1997 Act” insert –

““the 1999 Act” means the Immigration and Asylum Act 1999(d);”

(b) after “the 2006 Act” insert –

““A rated sponsor” means a sponsor to whom the Secretary of State has given an A rating;

“action plan” means an action plan issued to a B rated sponsor and with which a B rated sponsor must comply in order to become an A rated sponsor;

“B rated sponsor” means a sponsor to whom the Secretary of State has given a B rating;

“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 enter or remain in accordance with the immigration rules;”;

(c) after “the immigration rules” omit “and”;

(a) 2006 c.13.

(b) In pursuance of section 52(4)(a) of the Immigration, Asylum and Nationality Act 2006.

(c) S.I. 2007/807.

(d) 1999 c.33

(d) after “the former nationality Acts” insert –

““sponsor” means a person who is granted a sponsorship licence; and

“sponsorship licence” means a licence granted by the Secretary of State to a person who, by virtue of such grant, is licensed as a sponsor.”

4. After article 3(2)(a) insert –

“(aa) entry clearance to the United Kingdom within the meaning of section 33 of the 1971 Act;”.

5. After article 3(2)(l) insert –

“(la) a transit visa within the meaning of section 41(2) of the 1999 Act;

(lb) a certificate that a person has the right of abode in the United Kingdom, issued pursuant to section 10 of the Nationality, Immigration and Asylum Act 2002(a);”.

6. After article 3(2)(m) omit “and”.

7. After article 3(2)(n) insert –

“(o) a document recording biometric information within the meaning of section 5 of the UK Borders Act 2007(b); and

(p) a sponsorship licence, or for the renewal of such licence.”.

8. After article 4 insert—

“Requirement to pay a fee in respect of a process in connection with immigration

5.–(1) In respect of a process in connection with immigration to which this article applies, the fee for the time being specified in regulations made under section 51(3) of the 2006 Act as payable in connection with that process is to be charged by the Secretary of State.

(2) This article applies to the following processes –

(a) the issuing of a certificate of sponsorship; and

(b) the issuing of an action plan .”.

Home Office
28th January 2008

Liam Byrne
Minister of State

We consent

28th January 2008

Dave Watts
Steve McCabe
Two of the Lords Commissioners of Her Majesty’s Treasury

(a) 2002 c.41. S.I. 2006/3145, made under section 10 of the 2002 Act, makes provision for the issue to a person of a certificate that he has the right of abode in the United Kingdom.
(b) 2007 c.30.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration and Nationality (Fees) Order 2007, S.I. 2007/807, (“the 2007 Order”) so as to require applications for sponsorship licences to be accompanied by a specified fee. The fee will be specified in regulations made by the Secretary of State under section 51(3) of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”).

A person may apply to the Secretary of State to be licensed as a sponsor in order that they may be issued with certificates of sponsorship in respect of applicants, or potential applicants, who are applying for leave to enter or remain in the United Kingdom. The immigration rules will identify those applications which are required to be considered under a Points Based System.

A sponsor will be B rated if the sponsor meets the requirements to be a sponsor, but needs to take further action in order to be A rated. This Order amends the 2007 Order so as to provide that, in respect of the process of issuing to a B rated sponsor an action plan to enable the sponsor, subject to complying with the action plan, to obtain an A rating, a fee as specified in regulations made under section 51(3) of the 2006 Act is to be charged by the Secretary of State.

This Order also amends the 2007 Order so as to provide that a fee in respect of the process of issuing certificates of sponsorship as specified in regulations made under section 51(3) of the 2006 Act is to be charged by the Secretary of State.

This Order also amends the 2007 Order so as to provide that a fee specified in regulations under section 51(3) of the 2006 Act is to be charged by the Secretary of State in relation to applications for:

- (a) entry clearance to the United Kingdom;
- (b) a transit visa for a person passing through, but not entering, the United Kingdom;
- (c) a document recording biometric information in relation to a person subject to immigration control;
- (d) a certificate of entitlement for the right of abode in the United Kingdom.

A full regulatory impact assessment has not been produced for this instrument as such an assessment will be produced before regulations are made under section 51(3) of the 2006 Act setting the levels of fees to be charged by the Secretary of State for applications and processes specified in this instrument.

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