
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Secretary of State specified in the Immigration and Nationality (Fees) Order 2007 (S.I. 2007/807), (as amended by the Immigration and Nationality (Fees) (Amendment) Order 2008 S.I. 2008/166 and the Immigration and Nationality (Fees)(Amendment) Order 2009 S.I.2009/420), those matters in connection with immigration or nationality in respect of which a fee was to be charged. The Secretary of State in prescribing a fee for the applications referred to in these Regulations has, relying on section 42(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, prescribed an amount which is intended to exceed the administrative cost of determining the application and reflect benefits that she thinks are likely to accrue to the person who makes the application, to whom the application relates or by or for whom the process is undertaken, if the application is successful or the process completed.

These Regulations revoke and replace with modifications, the Immigration and Nationality (Fees) Regulations 2009 (S.I. 2009/816).

They specify fees for certain matters and set out the relevant exceptions. They also set out the consequences of failing to pay those specified fees. The fees for other matters specified in the Order will be specified in other Regulations made under section 51(3) of the Immigration, Asylum and Nationality Act 2006.

These Regulations introduce new fees for Indefinite Leave to Remain applications from dependant relatives applying under paragraph 317 of the Immigration Rules. The Regulations remove the fee for a certificate of entitlement to a right of abode which is now reflected in Regulations made under section 51(3) of the Immigration, Asylum and Nationality Act 2006.

These Regulations also introduce an additional fee in Regulation 12 to reflect the costs of processing applications from dependants by requiring applicants to pay a further charge on the main application. This is reflected by an increase to the applicant's fee in Regulations 3, 4, 5, 6, 7, 8, 9, 10 and 28.

Regulation 3 specifies fees for the following limited Leave to Remain applications in the United Kingdom and each fee :

- (a) employment under the Sectors-Based Scheme;
- (b) Home Office approved training or work experience;
- (c) employment as a seasonal agricultural worker; or
- (d) work permit employment.

Regulation 4 specifies fees for limited leave to remain applications in the UK for the following:

- (a) a retired person of independent means; or
- (b) a sole representative.
- (c) Regulation 5 specifies fees for limited leave to remain applications for certain Tier 1 migrants under the immigration rules.

Regulation 6 specifies fees for limited Leave to Remain applications in the United Kingdom for applications other than those referred to in regulations 3, 4, 5, 7, 8 and 9.

Regulation 7 specifies the fee for limited Leave to Remain as a Tier 2 migrant under the immigration rules;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 8 specifies fees for limited Leave to Remain as a Tier 4 migrant under the immigration rules in respect of an application made at a Public Enquiry Office of the UK Border Agency of the Home Office.

Regulation 9 specifies fees for limited Leave to Remain applications as a Tier 5 (Temporary Worker) migrant under the immigration rules

Regulation 10 sets out the fee for an application for Indefinite Leave to Remain in the United Kingdom under the immigration rules. It also introduces a separate fee for individuals applying under paragraph 317 of the immigration rules.

Regulation 11 provides for an additional fee to reflect a contribution to the Migration Impact Fund in respect of both Limited Leave to Remain and Indefinite Leave to Remain applications.

Regulation 12 provides an additional charge to a main applicant to reflect the costs of including a dependant on the application form in respect of both Limited Leave to Remain and Indefinite Leave to Remain applications.

Regulations 13 to 20 provide a number of exceptions to the requirement to pay a specified fee for leave to remain and indefinite leave to remain applications.

Regulation 21 sets out the fee for an application for naturalisation as a British Citizen or British Overseas Territories Citizen.

Regulation 22 sets out the fee for registering either an adult, a child or children as a British Citizen.

Regulation 23 sets out the fee for sponsorship applications in respect of Tier 2, Tier 4 and Tier 5 migrant applications.

Regulation 24 sets out the fees for entry clearance applications into the United Kingdom. It also introduces a separate fee for applicants seeking to enter the United Kingdom under paragraph 317 of the Immigration Rules.

Regulations 25 and 26 provide for a number of exceptions to the requirement to pay an entry clearance fee. Regulation 26 also introduces an additional provision under which an official of Her Majesty's Government may waive the entry clearance fee where an applicant is entering in connection with one of the Foreign and Commonwealth Office's strategic or bilateral programmes.

Regulation 27 sets out the fee for the process of issuing a certificate of sponsorship in respect of an application for leave to remain or enter as a Tier 2 migrant under the immigration rules.

Regulation 28 sets out the fee for an application to transfer conditions of stay.

Regulation 29 introduces a fee for an application for leave to remain made on a premium case working basis.

Regulation 30 sets out the consequences of failing to pay the specified fee under these regulations.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the UKBA website www.ukba.homeoffice.gov.uk