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

2017 No. ****

IMMIGRATION

NATIONALITY

The Immigration and Nationality (Fees) (Amendment) Order 2017

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order with the consent of the Treasury, in exercise of the powers conferred by sections 68(1) to (6), 69(2) and 74(8) of the Immigration Act 2014(**a**).

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 and extent

1.—(1) This Order may be cited as the Immigration and Nationality (Fees) (Amendment) Order 2017 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

(3) Article 1 and paragraphs (1) to (6) of article 2 extend to the Isle of Man.

(4) Article 1 and paragraphs (1) to (5) of article 2 extend to the Bailiwick of Jersey and to the Bailiwick of Guernsey.

Amendment of the Immigration and Nationality (Fees) Order 2016

2.—(1) The Immigration and Nationality (Fees) Order 2016(**b**) is amended in accordance with the following paragraphs.

(2) In article 1 (citation, commencement and extent)—

(**a**) 2014 c. 22. Treasury consent is sought in accordance with section 69(1) of the Immigration Act 2014. Sections 68 to 70 of that Act were extended, subject to specified modifications, to the Isle of Man by articles 5 and 7 of the Immigration (Isle of Man) (Amendment) Order 2015 (S.I. 2015/1765) which inserted new articles 22 and 23 and Schedule 9A into the Immigration (Isle of Man) Order 2008 (S.I. 2008/680); other amendments have been made to that Order but none are relevant for the present purposes. Sections 68 to 70 of the Immigration Act 2014 were extended to the Bailiwick of Jersey by article 3 of the Immigration (Jersey) Order 2016 (S.I. 2016/994) subject to modifications specified in the Schedule to that Order. Sections 68 to 70 of that Act were extended to the Bailiwick of Guernsey by article 4 of the Immigration (Guernsey) Order 2016 (S.I. 2016/996) subject to modifications specified in the Schedule to that Order.

(**b**) S.I. 2016/177.

(a) for paragraph (4) substitute—

"(4) Articles 1 to 5A extend to the Isle of Man for the purpose of issuing entry clearance to enter the Isle of Man, and for the purpose of any function incidental to the issue of such entry clearance.";

(b) after paragraph (4), insert—

"(5) Articles 1 to 5 extend to the Bailiwick of Guernsey and the Bailiwick of Jersey, but only for the purpose of granting entry clearance to enter the bailiwick concerned.".

(3) In article 2 (interpretation)—

(a) omit the definition of "control port";

(b) in the definition of "Electronic Visa Waiver", for the words "to enter the United Kingdom" to the end, substitute "to travel to the United Kingdom for the purpose of entry where that person, in the absence of such a document, would require entry clearance to undertake that travel";

(c) in the definition of "entry clearance"—

(i) in sub-paragraph (a), for the words "sub-paragraph (b)", substitute "sub-paragraphs (b) to (d)";

(ii) insert after sub-paragraph (b)—

"(c) in relation to the Bailiwick of Guernsey has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Bailiwick of Guernsey(**a**);

(d) in relation to the Bailiwick of Jersey has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Bailiwick of Jersey(**b**)";

(d) after the definition of "unsponsored worker" insert—

""web-chat facility" means an internet-based facility enabling direct communication in real-time between an advisor and an applicant or their representative".

(4) In article 4 (applications for entry clearance or leave to remain as a visitor)—

(a) in the heading, before the words "or the Isle of Man", insert ", the Bailiwick of Guernsey, the Bailiwick of Jersey";

(b) in paragraph (1), before the words "or the Isle of Man", insert ", the Bailiwick of Guernsey, the Bailiwick of Jersey".

(5) In article 5 (applications for leave to enter, entry clearance, or leave to remain other than as a visitor)—

(a) in the heading, before the words "or the Isle of Man", insert ", the Bailiwick of Guernsey, the Bailiwick of Jersey";

(b) in paragraph (1), before the words "or the Isle of Man", insert ", the Bailiwick of Guernsey, the Bailiwick of Jersey".

(6) After article 5, insert—

"Amount payable for an approval letter: Isle of Man

5A.—(1) A fixed amount of no more than £2,000 is to be charged for consideration of an application or request for an approval letter in relation to an application for entry clearance(**c**) to enter the Isle of Man.

(**a**) The definition of "entry clearance" in section 33(1) was extended with modifications to the Bailiwick of Guernsey by article 3(1) of, and paragraph 18(a)(ii) of Schedule 1 to, the Immigration (Guernsey) Order 1993 (S.I. 1993/1796).

(**b**) The definition of "entry clearance" in section 33(1) was extended with modifications to the Bailiwick of Jersey by article 3(1) of, and paragraph 18(a)(ii) of Schedule 1 to, the Immigration (Jersey) Order 1993 (S.I. 1993/1797).

(**c**) The definition of "entry clearance" in section 33(1) of 1971 Act 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

(2) A fixed amount of no more than £550 is to be charged when a copy, replacement or amended version of an approval letter is requested.".

(7) In Table 6, at the end of article 9 (premium services)—

(a) in the second column of the row beginning "6.11", omit the words "at a control port".

(b) substitute the row beginning "6.12" with—

"6.12	The provision of advice, information, assistance or training in relation to functions in connection with immigration or nationality where provided by a contractor.	Where provided— (a) electronically, whether by web-chat facility or email, a fixed amount; (b) by telephone or in person, rate per minute per contractor.	(a) £6.25 (b) £2.50";

(c) at the end, add—

"6.14	The provision of advice, information, assistance or training in relation to functions in connection with immigration or nationality, to the extent not otherwise provided for by any other entry in this table.	Rate per minute per person providing the advice, information, assistance or training.	£2.50".

Name
Minister of State
Home Office

Date

We consent

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration and Nationality (Fees) Order 2016 (S.I. 2016/177) ("the 2016 Order"). The amendments include the extension of certain provisions of the 2016 Order to the Bailiwick of Jersey and the Bailiwick of Guernsey for certain specified purposes. That extension is made further to two recently-made Orders in Council (S.I. 2016/994 and S.I. 2016/996) which expressly extended certain of the Secretary of State's order-making powers in the Immigration Act 2014 (c. 22) to both of those bailiwicks.

This Order also amends the 2016 Order to permit a charge to be made by the Secretary of State for dealing with a request for an approval letter in relation to an application for entry clearance to enter the Isle of Man. It also makes changes in respect of certain definitions in the 2016 Order.

The remainder of the amendments relate to charges in respect of premium services, the effect of those changes being to permit charges to be made in respect of those services in a broader range of circumstances than permitted under the 2016 Order as originally made.

An Impact Assessment has not been prepared in respect of this instrument. This is because this Order does not itself impact existing fee levels, but simply sets the maximum amounts at which the Secretary of State might set such fees by way of future regulations.

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