This Statutory Instrument has been printed in substitution of the draft SI of the same title and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Order laid before Parliament under section 52(4)(b) of the Immigration, Asylum and Nationality Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

IMMIGRATION

The Immigration and Nationality (Fees) Order 2011

Made - - - - ***

Coming into force in accordance with Article 1.

The Secretary of State, in exercise of the powers conferred by section 51(1) and (2) and section 52(1) of the Immigration, Asylum and Nationality Act 2006(**a**), and with the consent of the Treasury, makes the following Order:

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.

Citation, commencement and interpretation

1. This Order may be cited as the Immigration and Nationality (Fees) Order 2011 and shall come into force on the day after the day on which it is made.

2. In this Order—

"the 1971 Act" means the Immigration Act 1971(**b**);

"the 1981 Act" means the British Nationality Act 1981(**c**);

"the 1982 Order" means the British Protectorates, Protected States and Protected Persons Order 1982(**d**);

"the 1997 Act" means the British Nationality (Hong Kong) Act 1997(**e**);

"the 1999 Act" means the Immigration and Asylum Act 1999(**f**);

"the 2006 Act" means the Immigration, Asylum and Nationality Act 2006;

"A-rated sponsor" means a sponsor who is recorded as being "A-rated" on the register of licensed sponsors maintained by the Secretary of State under the immigration rules;

(**a**) 2006 c.15.
(**b**) 1971 c.77.
(**c**) 1981 c.61.
(**d**) S.I. 1982/1070.
(**e**) 1997 c.20.
(**f**) 1999 c.33.

"action plan" means an action plan issued under the immigration rules to a B-rated sponsor with which a B-rated sponsor must comply in order to become an A-rated sponsor;

"B-rated sponsor" means a sponsor who is recorded as being "B-rated" on the register of licensed sponsors maintained by the Secretary of State under the immigration rules;

"British protected person" has the same meaning as provided in section 50(1) of the 1981 Act;

"certificate of sponsorship" means an authorisation issued under the immigration rules 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;

"consular functions" 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(**a**) 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;

"entry clearance" has the same meaning as provided in section 33(1) of the 1971 Act(**b**);

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

"the 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;

"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;

"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;

"student" means a person given leave to enter, or remain, in the United Kingdom under Tier 4 of the points-based system set out in the immigration rules.

Requirement to pay a fee for applications connected with immigration or nationality

3.—(1) Applications to which this article applies must be accompanied by the fee specified in regulations made under section 51(3) of the 2006 Act.

(2) This article applies to applications for—

(a) leave to remain in the United Kingdom;

(b) entry clearance;

(c) variation of leave to enter, or remain in, the United Kingdom;

(d) permission for a student given leave to enter, or remain in, the United Kingdom to change their course of study or sponsor;

(e) the fixing of a stamp, sticker or other attachment which indicates that a person has been granted limited, or indefinite, leave to enter, or remain in, the United Kingdom on a passport or other document issued to the applicant;

(f) an immigration employment document, that is to say 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;

(g) a travel document not including a passport;

(h) naturalisation as a British citizen under the 1981 Act;

(**a**) 1968 c.18.

(**b**) The definition of "entry clearance" in section 33(1) was amended by paragraph 15 of the Schedule to the Immigration Act 1988 (c.14) and paragraph 2 of Schedule 4 to the 1981 Act.

(i) the amendment of a certificate of registration or naturalisation as a British citizen issued under the 1981 Act;

(j) naturalisation as a British overseas territories citizen under section 18(1) or (2) of the 1981 Act;

(k) registration as a British citizen under section 1(3), (3A) or (4), 3(1), (2) or (5), 4(2) or (5), 4A, 4B, 4C, 4D, 10(1) or (2), or 13(1) or (3) of the 1981 Act, or paragraph 3, 4 or 5 of Schedule 2 to that Act;

(l) registration as a British overseas territories citizen under sections 24 and 13(1) or (3), or section 15(3) or (4), 17(1), (2) or (5), or 22(1) or (2) of the 1981 Act, or paragraph 3, 4 or 5 of Schedule 2 to that Act;

(m) registration as a British overseas citizen under section 27(1) of the 1981 Act, or paragraph 4 or 5 of Schedule 2 to that Act;

(n) registration as a British subject under section 32 of the 1981 Act, or paragraph 4 of Schedule 2 to that Act;

(o) registration as a British protected person under Article 7 of the 1982 Order;

(p) registration as a British citizen under section 1 of the 1997 Act;

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

(r) 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;

(s) a document recording biometric information within the meaning of section 5 of the UK Borders Act 2007;

(t) a sponsor licence, or the renewal of such a licence;

(u) any change to a sponsor's status under the immigration rules; and

(v) a letter or other document confirming—

(i) a person's immigration or nationality status; or

(ii) that a person is not a British citizen.

Requirement to pay a fee in respect of the provision on request of a service connected with immigration or nationality

4. The Secretary of State shall charge the fee specified in regulations made under section 51(3) of the 2006 Act in respect of the provision on request of any of the following services:

(a) the registration of a declaration of a renunciation of British citizenship under section 12 of the 1981 Act;

(b) the registration of a declaration of a renunciation of British overseas territories citizenship under sections 24 and 12 of the 1981 Act;

(c) the registration of a declaration of a renunciation of British Overseas citizenship under sections 29 and 12 of the 1981 Act;

(d) the registration of a declaration of a renunciation of the status of British subject under sections 34 and 12 of the 1981 Act;

(e) the arrangement of a citizenship ceremony (the fee for the arrangement of the ceremony includes the administration of a citizenship oath and pledge at the ceremony);

(f) the administration of a citizenship oath, or oath and pledge (where not administered at a citizenship ceremony);

(g) the 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;

(h) the registration of a declaration of a renunciation of the status of British protected person under Article 11 of the 1982 Order;

(i) attendance by a representative of the Secretary of State at premises other than an office of the United Kingdom Border Agency of the Home Office or consular premises for the purposes of any application, process or service referred to in this Order; and

(j) the provision of any service by a representative of the Secretary of State outside office hours relating to any application, process or service referred to in this Order.

Requirement to pay a fee in respect of a process connected with immigration or nationality

5. The Secretary of State shall charge the fee specified in regulations made under section 51(3) of the 2006 Act in respect of the following processes:

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

(b) the issuing of an action plan.

Requirement to pay a fee in respect of applications, services and processes in connection with immigration or nationality involving the exercise of consular functions

6. Applications in connection with immigration or nationality (whether or not under an enactment) for anything to be done in the exercise of consular functions by any person authorised by the Secretary of State to exercise such functions must be accompanied by the fee specified in regulations made under section 51(3) of the 2006 Act.

7. The Secretary of State shall charge the fee specified in regulations made under section 51(3) of the 2006 Act in respect of:

(a) the provision on request of a service (whether or not under an enactment) in connection with immigration or nationality where the provision of that service requires anything to be done in the exercise of consular functions by any person authorised by the Secretary of State to exercise such functions; and

(b) a process (whether or not under an enactment) in connection with immigration or nationality where that process requires anything to be done in the exercise of consular functions by any person authorised by the Secretary of State to exercise such functions.

8. Articles 6 and 7 apply in relation to the exercise of consular functions whether or not those functions are exercised by consular officers or by persons who are not consular officers.

Revocation

9. The Immigration and Nationality (Fees) Order 2007(**a**), the Immigration and Nationality (Fees) (Amendment) Order 2008(**b**), and the Immigration and Nationality (Fees) (Amendment) Order 2009(**c**) shall cease to have effect on the coming into force of regulations made under section 51(3) of the 2006 Act in connection with this Order.

Home Office
Date

Name
Minister of State

We consent

Name
Name
Two of the Lords Commissioners of Her Majesty's Treasury

Date

(**a**) S.I. 2007/807, to which there are amendments not relevant to this Order.
(**b**) S.I. 2008/166
(**c**) S.I. 2009/420

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under sections 51(1) and (2) and 52(1) of the Immigration, Asylum and Nationality Act 2006 ("the 2006 Act"), enables the Secretary of State to both set fees for applications related to immigration or nationality and to charge for the provision of services or processes related to immigration or nationality. Once this Order comes into force the Secretary of State will be able to make regulations under section 51(3) of the 2006 Act setting out the relevant fees and charges.

This Order will replace the Immigration and Nationality (Fees) Order 2007 which has enabled the Secretary of State to make regulations under section 51(3) of the 2006 Act fixing fees and charges in relation to applications, services and processes connected with immigration and nationality since 15th March 2007. This will happen when regulations under section 51(3) of the 2006 Act setting the level of the fees and charges covered in this Order come into force.

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2011 No.

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