Draft Regulations laid before Parliament under section 42(7) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

IMMIGRATION

NATIONALITY

The Immigration and Nationality (Fees) Regulations 2009

Made - - - - ***

Coming into force - - in accordance with regulation 1

The Secretary of State makes the following Regulations with the consent of the Treasury(**a**) in exercise of the powers conferred on her by sections 51(3) and 52(3) of the Immigration, Asylum and Nationality Act 2006(**b**), and in reliance on section 42(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004(**c**).

In accordance with section 42(6) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, the Secretary of State has consulted with such persons as appear to her to be appropriate prior to making these Regulations.

In accordance with section 42(7) of that Act, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2009 and, subject to paragraphs (2) and (3), shall come into force on 6th April 2009.

(2) Regulation 8 shall come into force on 31st March 2009.

(3) Regulations 11, 15, 16, 17, 18 and 19 shall come into force on 31st of March 2009 so far as they relate to an application made under Regulation 8.

2. In these Regulations—

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

"the 2007 Order" means the Immigration and Nationality (Fees) Order 2007(**e**);

"an application for naturalisation" means an application for naturalisation as a—

British citizen under section 6(1) or (2) of the 1981 Act, or

---

(**a**) In pursuance of section 52(5)(a) of the Immigration, Asylum and Nationality Act 2006.
(**b**) 2006 c. 13.
(**c**) 2004 c. 19. Section 42(1) is amended by, and s.42(2A) is inserted by, section 20 of the UK Borders Act 2007 (c.30).
(**d**) 1981 c. 61
(**e**) S.I. 2007/801 as amended by S.I. 2008/166

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

"an application for registration" means an application for registration as a—

(a) British citizen under section 1(3) or (4), 3(1), (2)(**a**) or (5)(**b**), 4(2) or (5), 4A(**c**), 4B(**d**), 4C(**e**), 10(1)(**f**) or (2)(**g**), or 13(1) or (3) of, or paragraph 3(**h**), 4(**i**) or 5 of Schedule 2 to, the 1981 Act,

(b) British overseas territories citizen under sections 24 and 13(1) or (3), or 15(3) or (4), 17(1), (2) or (5), or 22(1) or (2) of, or paragraph 3, 4 or 5 of Schedule 2 to, the 1981 Act,

(c) British overseas citizen under section 27(1) of, or paragraph 4 or 5 of Schedule 2 to, the 1981 Act, or

(d) British subject under section 32 of, or paragraph 4 of Schedule 2 to, the 1981 Act;

"assistance" means assistance, accommodation or maintenance provided under—

(a) section 17, 20 or 23 of the Children Act 1989(**j**),

(b) section 22, 25 or 26 of the Children (Scotland) Act 1995(**k**), or

(c) article 18, 21 or 27 of the Children (Northern Ireland) Order 1995(**l**);

"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 remain in or enter the United Kingdom under the immigration rules;

"charity" means an English charity, a Scottish charity or a Northern Ireland charity;

"child" means a person under the age of eighteen;

"claim for asylum" has the meaning given in section 94(1) of the Immigration and Asylum Act 1999(**m**), and a claim for asylum is to be taken to be determined—

(a) on the day on which the Secretary of State notifies the claimant of her decision on the claim,

(b) if the claimant has appealed against the Secretary of State's decision, on the day on which the appeal is disposed of, or

(c) if the claimant has brought an in-country appeal against an immigration decision under section 82 of the Nationality, Immigration and Asylum Act 2002 or section 2 of the Special Immigration Appeals Commission Act 1997(**n**), on the day on which the appeal is disposed of;

"Council of Europe Social Charter" means the Council of Europe Treaty establishing social and economic human rights signed in Turin on 18th October 1961(**o**);

"Council of Europe Revised Social Charter" means the Council of Europe Treaty signed in Strasbourg on 3rd May 1996(**p**);

"dependant" in respect of a person means—

(a) the spouse, civil partner, unmarried or same-sex partner, or

---

(**a**) Amended by section 5 of, and paragraphs 3(1) and (2) of Schedule 1 to, the British Overseas Territories Act 2002, c. 8.
(**b**) Amended by section 5 of, and paragraphs 3(1) and (4) of Schedule 1 to, the British Overseas Territories Act 2002.
(**c**) Inserted by section 4 of the British Overseas Territories Act 2002.
(**d**) Inserted by section 12 of the Nationality, Immigration and Asylum Act 2002, c.41.
(**e**) Inserted by section 13 of the Nationality, Immigration and Asylum Act 2002.
(**f**) Amended by sections 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002,.
(**g**) Amended by sections 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 and by sedtion 261(1) of, and paragraph 73 of Schedule 27 to, the Civil Partnership Act 2004, c.33.
(**h**) Amended by section 1(1)(b) of the British Overseas Territories Act 2002, c.8 and by sections 8 and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002.
(**i**) Amended by sections 1(1)(b) and 2(2)(b) of the British Overseas Territories Act 2002.
(**j**) 1989 c. 41
(**k**) 1995 c. 36
(**l**) No. 755 (N.1. 2)
(**m**) Amended by s.44(1), (2) of the Nationality, Immigration and Asylum Act 2002 c. 41.
(**n**) Amended by s.114(3) of the Nationality, Immigration and Asylum Act 2002.
(**o**) (CETS NO.:035).
(**p**) (CETS NO.: 163).

(b) a child,

of that person;

"English charity" means a charity as defined in section 1 of the Charities Act 2006(**a**);

"European Community Association Agreement" means the—

(a) Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12 September 1963,

(b) Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, signed at Brussels on 8th March 1993, and

(c) Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Romania, of the other part, signed at Brussels on 1st February 1993;

"Highly Skilled Migrant Programme" means the programme operated by the Secretary of State for highly skilled migrants under the immigration rules;

"immigration rules" means rules made under section 3(2) of the Immigration Act 1971(**b**);

"leave to remain" includes variation of leave to enter or remain;

"Northern Ireland charity" means a charity within the meaning of section 35 of the Charities Act (Northern Ireland) 1964(**c**);

"school teacher" has the same meaning as in section 122 of the Education Act 2002(**d**);

"Scottish charity" means a body entered in the Scottish Charity Register;

"Sectors-Based Scheme" means the programme operated by the Secretary of State for employment as a sector based worker under the immigration rules.

"small sponsor" means a sponsor that is either—

(a) a company that qualifies as small in accordance with sections 382 and 383 of the Companies Act 2006(**e**); or

(b) in the case of a person who is not a company for the purposes of sections 382 and 383 of the Companies Act 2006 and therefore does not qualify as small in accordance with those sections, a person who employs no more than 50 employees;

(c) a charity;

"sponsor" means a sponsor within the meaning of the immigrations rules;

"sponsorship licence" means a sponsor licence as identified within the immigration rules;

"Tier 1 migrant" means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 1" of the immigration rules' "Points-Based System";

"Tier 2 migrant" means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 2" of the immigration rules' "Points-Based System";

"Tier 4 migrant" means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 4" of the immigration rules' "Points-Based System";

"Tier 5 migrant" means a migrant who makes make an application of a kind identified in the immigration rules as requiring to be considered under "Tier 5" of the immigration rules' "Points-Based System";

(**a**) 2006 c. 50.
(**b**) 1971 c. 77
(**c**) 1964 c. 33
(**d**) 2002 c. 32
(**e**) 2006 c. 46

"unmarried or same sex partner" of a person means a person who is living with that other person in a relationship akin to marriage or civil partnership which has subsisted for two years or more;

"work permit employment" means employment as a work permit holder under the immigration rules.

Fees for applications for leave in the United Kingdom

3.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom—

(a) for the purposes of employment under the Sectors-Based Scheme;

(b) for Home Office approved training; or

(c) as a seasonal agricultural worker,

under the immigration rules, the fees are those specified in paragraph (2).

(2) The fees are—

(a) £550 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office; or

(b) £350 for an application made by post or courier.

(3) Paragraphs (1) and (2) are subject to regulations 14, 15, 17, 18 and 19.

(4) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom for work permit employment the fee is—

(a) £600 where such application is made in person at the relevant Public Enquiry Office of the UK Border Agency of the Home Office; or

(b) £400 for an application made by post or courier.

(5) Paragraph (4) is subject to regulations 11, 14, 15, 17, 18 and 19.

4.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as—

(a) a retired person of independent means; or

(b) a sole representative,

under the immigration rules, the fee is £800.

(2) This regulation is subject to regulations 11, 15, 17, 18 and 19.

5.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 1 migrant, the fees are those specified in paragraphs (2) and (3).

(2) Where the application is for limited leave to remain in the United Kingdom as a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is—

(a) subject to sub-paragraphs (b) and (c), £820 for an application made by post or courier;

(b) subject to sub-paragraph (c), £750 for an application made by post or courier where the application is for leave to remain as a Tier 1 (General) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;

(c) subject to regulation 14, £400 for an application made by post or courier in respect of a person who has been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application;

(d) subject to sub-paragraphs (e) and (f), £1020 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office;

(e) £920 for an application made in person at a Public Enquiry Office of the UK Border Agency of the Home Office where the application is for leave to remain as a Tier 1 (General) migrant under the immigration rules and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;

(f) subject to regulation 14, £600 where such an application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office by a person who has been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application.

(3) Where the application is for limited leave to remain in the United Kingdom as a Tier 1 (Post Study Work) migrant under the immigration rules the fee is—

(a) £500 for an application made by post or courier; or

(b) £700 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office.

(4) This regulation is subject to regulations 11, 17, 18 and 19.

6.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom, other than an application referred to in paragraph (2), the fee is—

(a) £665 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office; or

(b) £465 for an application made by post or courier

(2) The fee referred to in paragraph (1) does not apply to applications for limited leave to remain in the United Kingdom—

(a) for work permit employment;

(b) for the purposes of employment under the Sectors-Based Scheme;

(c) for Home Office approved training;

(d) as a seasonal agricultural worker;

(e) as a retired person of independent means;

(f) as a sole representative;

(g) as a student;

(h) to re-sit an examination;

(i) to write up a thesis;

(j) as a student union sabbatical officer;

(k) as a prospective student; or

(l) of a kind identified in the immigration rules as requiring to be considered under a "Points-Based System",

under the immigration rules.

(3) This regulation is subject to regulations 11, 12, 16, 17 18 and 19.

7.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 2 migrant, the fee is—

(a) subject to sub-paragraph (b), £465 for an application made by post or courier;

(b) £425 where such application made by post or courier is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter;

(c) subject to sub-paragraph (d), £665 for an application made at a Public Enquiry Office of the UK Border Agency of the Home Office;

(d) £605 where such application made at a Public Enquiry Office of the UK Border Agency of the Home Office is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter.

(2) This regulation is subject to regulations 11, 17, 18 and 19.

8.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 4 migrant, the fee is £565 for an application made at a Public Enquiry Office of the UK Border Agency of the Home Office.

(2) This regulation is subject to regulations 11, 15, 16, 17, 18 and 19.

9.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 5(Temporary Worker) migrant and the application is made at a Public Enquiry Office of the UK Border Agency of the Home Office, the fee is—

(a) subject to sub-paragraph (b), £515; or

(b) £460 where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter.

(2) This regulation is subject to 15, 16, 17, 18 and 19.

10.—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for indefinite leave to remain in the United Kingdom, the fee is—

(a) subject to sub-paragraph (b), £1020 for an application made in person at a Public Enquiry Office of the UK Border Agency of the Home Office;

(b) £920 where an application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office in so far as the application is in respect of a person—

(i) to whom paragraph (2) applies; and

(ii) who is a national of a state which has ratified the Council of Europe Social Charter;

(c) subject to sub-paragraph (d), £820 for an application made by post or courier;

(d) £750 for an application made by post or courier in so far as the application is in respect of a person—

(i) to whom paragraph (2) applies; and

(ii) who is a national of a state which has ratified the Council of Europe Social Charter;

(2) This paragraph applies to the following—

(a) a work permit holder;

(b) a highly skilled migrant;

(c) a Tier 1 (General) migrant;

(d) a Tier 1 (Entrepreneur) migrant;

(e) a Tier 2 migrant;

under the immigration rules.

(3) This regulation is subject to regulations 11, 12, 13, 16, 17, 18 and 19.

11. The applicant incurs an increase of £50 to the application fee for each person submitted as a dependant to that application whether—

(a) the dependant is included on the application form; or

(b) a separate application as a dependant is submitted at the same time.

Exceptions in respect of fees for leave to remain applications

12. No fee is payable in connection with an application for leave to remain in the United Kingdom, which is made on the basis that the applicant is—

(a) a person making a claim for asylum which has not been determined or has been granted;

(b) a person who has been granted humanitarian protection under the immigration rules;

(c) a person who has been granted limited leave to enter or remain in the United Kingdom outside the provisions of the immigration rules on the rejection of their claim for asylum; or

(d) a dependant of a person referred to in paragraph (a), (b) or (c).

13. No fee is payable in connection with an application referred to in regulation 10, where the application is for indefinite leave to remain in the United Kingdom as a victim of domestic violence under the immigration rules, where at the time of making the application, the applicant appears to the Secretary of State to be destitute.

14. No fee is payable in connection with applications referred to in—

(a) regulation 3;

(b) regulation 5(2)(c) and 5(2)(f)

where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter or the Council of Europe Revised Social Charter(**a**).

15. No fee is payable in respect of applications referred to in regulations 3, 4, 8 or 9, if the application is made to an immigration officer on arrival at a port of entry in the United Kingdom in respect of a person seeking variation of leave to enter or remain in the United Kingdom for a period of up to 6 months.

16. No fee is payable in respect of an application referred to in regulations 6, 8, 9 or 10 if the application is made in respect of a person who, at the time of making the application, is a child and is being provided with assistance by a local authority (or, in Northern Ireland, an authority, which has the meaning given in article 2(2) of the Children (Northern Ireland) Order 1995)(**b**).

17.—(1) If the conditions specified in paragraph (2) are met, a single fee is payable in connection with the applications made.

(2) The conditions are—

(a) an application is made by an applicant (A) for limited or indefinite leave to remain in the United Kingdom; and

(b) at the same time A makes a similar application on behalf of one or more of his dependants, in circumstances where such persons are applying as dependants of A.

(3) The fee payable shall be the fee specified for the application in respect of A.

18.—(1) Where two or more applications for leave to remain or indefinite leave to remain in the United Kingdom are made at the same time, or are being considered by the Secretary of State, in respect of the same person and fees are specified in respect of those applications, a single fee shall be payable.

(2) The fee payable shall be the higher, or as the case may be, the highest of the fees specified in respect of those applications, where those fees are different.

19. No fee is payable in respect of an application referred to in regulations 3, 4, 5, 6, 7, 8, 9 and 10 if it is made under the terms of a European Community Association Agreement.

Fees for nationality applications

20.—(1) In the case of an application to which article 3(2)(f) or (g) of the 2007 Order applies, namely an application for naturalisation, the fee is £640.

(**a**) Signed in Strasbourg on 3rd May 1996 (CETS NO.: 163).
(**b**) footnote of order

(2) Subject to paragraph (3), where either a husband and wife, or two people who are civil partners of each other, apply at the same time for naturalisation as British citizens or British overseas territories citizens and at the time of the applications are residing together, the total fee payable in respect of those applications shall be £690.

(3) Paragraph (2) does not apply to any fee which is payable in respect of the arrangement of a citizenship ceremony.

21.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(h) to (l) of the 2007 Order applies, namely an application for registration of either an adult or a child, the fee is £460.

(2) Where an application for registration of two children is made and those children have the same parent, or parents, the total fee payable in respect of that application shall be £510, with an increase of £50 to the application fee for every additional child registered.

(3) In this regulation, "parent" includes a step-parent and an adoptive parent.

Fees for the registration of a declaration of renunciation

22.—(1) In respect of a service to which article 4(2)(a) to (d) of the 2007 Order applies, namely a declaration of renunciation of British citizenship, British overseas territories citizenship, British Overseas citizenship or British subject status, the fee to be paid for the provision of this service is £395.

(2) Where a declaration of renunciation of British citizenship, British overseas territories citizenship, British Overseas citizenship or British subject status is made by a person at the same time as a declaration of renunciation by him of another such citizenship or status, the total fee payable in respect of those declarations shall be the same as that for registration of a single declaration.

Fees for sponsorship applications

23.—(1) Subject to regulation 24, in the case of an application to which article 3(2)(p) of the 2007 Order applies, where the application is not in respect of a person who, if granted a sponsorship licence, would be a small sponsor, and the application is for a licence referred to in paragraph (2), the fee is £1000.

(2) The sponsorship licences are—

(a) a sponsorship licence in respect of Tier 2 migrants;

(b) a sponsorship licence in respect of Tier 2 and Tier 4 migrants;

(c) a sponsorship licence in respect of Tier 2 and Tier 5 migrants; and

(d) a sponsorship licence in respect of Tier 2, Tier 4 and Tier 5 migrants.

24. In the case of an application to which article 3(2)(p) of the 2007 Order applies, where such application is for a licence referred to in sub-paragraphs (a) to (d) of regulation 23 and is in respect of a person who—

(a) holds a valid licence in respect of Tier 4 migrants, Tier 5 migrants or Tier 4 and Tier 5 migrants; and

(b) is not a small sponsor,

the fee is £600.

Fees for entry clearance applications

25.—(1) In the case of an application to which article 3(2)(aa) of the 2007 Order applies—

(a) subject to sub-paragraph (b) where the application is for entry clearance as a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is £675;

(b) where the application is for entry clearance as a Tier 1 (General) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £615;

(c) where the application is for entry clearance as the dependant of a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is £675;

(d) subject to sub-paragraph (e), where the application is for entry clearance as a Tier 2 migrant, the fee is £265;

(e) where the application is for entry clearance as a Tier 2 migrant and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £245;

(f) where the application is for entry clearance as the dependant of a Tier 2 migrant, the fee is £265;

(g) where the application is for entry clearance for settlement in the United Kingdom, the fee is £585;

(h) where the application is for entry clearance as a visitor for a period of more than 6 months the fee is—

(i) £215 for a period of more than 6 months and not more than 2 years;

(ii) £400 for a period of more than 2 years and not more than 5 years;

(iii) £500 for a period of more than 5 years and not more than 10 years.

(i) where the application is for entry clearance other than—

(i) for the purposes listed in sub-paragraphs (a) to (h);

(ii) as a visitor for a period of six months or less under the immigration rules;

(iii) as a student under the immigration rules;

(iv) as a Tier 4 migrant;

(v) as a Tier 5 migrant; or

(vi) for passing through the United Kingdom,

the fee is £215.

(2) This regulation is subject to regulations 26 and 27.

Exceptions and waivers in respect of fees for entry clearance applications

26. No fee is payable in relation to an application referred to in regulation 25 where—

(a) it is in connection with the official duty of any official of Her Majesty's Government;

(b) it is for the purpose of family reunion under Part 11 of the immigration rules; or

(c) the Secretary of State determines that the fee should be waived.

27. The official determining the application may waive the payment of a fee required under regulation 25 where—

(a) it is made by a candidate for or holder of a scholarship funded by Her Majesty's Government and is in connection with such scholarship; or

(b) where the official so decides as a matter of international courtesy.

Fee for a certificate of entitlement to the right of abode

28. In the case of an application to which article 3(2)(lb) of the 2007 Order applies, where such application is made by an applicant who is outside the United Kingdom the fee is £215.

Fee for the process of issuing a certificate of sponsorship

29.—(1) Subject to paragraph (2), in the case of a process to which article 5 of the 2007 Order applies, the fee shall be £170 where the process is the issuing of a certificate of sponsorship in respect of an application or potential application for leave to remain in or enter the United Kingdom as a Tier 2 migrant.

(2) No fee is payable in respect of the process for which a fee is specified in paragraph (1) where the certificate is issued in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter or the Council of Europe Revised Social Charter.

Fees for transfer of conditions

30. In the case of an application to which article 3(2)(c) of the 2007 Order applies and the application is made at a Public Enquiry Office of the UK Border Agency of the Home Office the fee is £515.

Consequences of failing to pay the specified fee

31. Where an application to which these Regulations refer is to be accompanied by a specified fee, the application is not validly made unless it has been accompanied by that fee.

Revocation

32. The following Regulations are revoked –

(a) the Immigration and Nationality (Fees) Regulations 2007(**a**);

(b) the Immigration and Nationality (Fees) (Amendment) Regulations 2008(**b**);

(c) the Immigration and Nationality (Fees)(Amendment No. 2) Regulations 2008(**c**);

(d) the Immigration and Nationality (Fees) (Amendment No. 3) Regulations 2008(**d**).

Home Office
Date

Name
Minister of State

We consent

Two Lords Commissioners of Her Majesty's Treasury

(**a**) S.I. 2007/1158.
(**b**) S.I. 2008/544.
(**c**) S.I. 2008/1695.
(**d**) S.I 2008/3017.

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 second amendment), 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 or to whom the application relates, if the application is successful.

These Regulations consolidate fees for those matters, revoking and replacing the Immigration and Nationality (Fees) Regulations 2007 (S.I. 2007/1158), (as amended by S.I. 2008/544, S.I. 2008/1695 and S.I. 2008/3017).

These Regulations specify a fee for certain matters and also 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 fees for Tier 1, Tier 2 , Tier 4 and Tier 5 migrants for applications under the immigration rules made at a Public Enquiry Office of the UK Border Agency of the Home Office by way of Regulations 5, 7, 8 and 9.

These Regulations also introduce an additional fee to reflect a contribution to the Migration Impacts Fund by requiring migrants to pay an additional charge on an application. This is reflected by an increase to the applicant's fee in Regulations 5, 6, 7, 8, 10, and 20. The applicant is also subject to an additional fee for each dependant to that application by way of regulation 11.

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

(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.

Regulation 5 specifies fees for limited leave to remain applications for:

(a) certain Tier 1 migrants under the immigration rules; or

(b) certain Tier 1 migrants under the immigration rules in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter ("CESC national").

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, 8, 8 and 9. .

Regulation 7 specifies fees for limited Leave to Remain as:

(a) a Tier 2 migrant under the immigration rules; or

(b) a Tier 2 migrant under the immigration rules in respect of a person who is a CESC national.

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 in respect of:

(a) an application made at a Public Enquiry Office of the UK Border Agency of the Home Office; or

(b) an application as a Tier 5 (Temporary Worker) migrant in respect of a CESC national.

Regulation 10 sets out the fee for an application for Indefinite Leave to Remain in the United Kingdom under 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.

Regulations 12 to 19 provide a number of exceptions to the requirement to pay a specified fee.

Regulation 20 sets out the fee for an application for naturalisation as a British Citizen or British Overseas Territories Citizen.

Regulation 21 sets out the fee for registering either an adult, a child or children as a British Citizens.

Regulation 22 sets out the fee for renunciation of British Citizenship, British Overseas Citizenship, British Overseas Territories Citizenship or British Subject status.

Regulations 23 and 24 set out the fee for sponsorship applications in respect of Tier 2, Tier 4 and Tier 5 migrant applications.

Regulation 25 sets out the fees for entry clearance applications into the United Kingdom and introduces entry clearance fees for long term visit visas.

Regulations 26 to 27 provide for a number of exceptions to the requirement to pay an entry clearance fee.

Regulation 28 sets out the fee for a certificate of entitlement to the right of abode.

Regulation 29 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 30 sets out the fee for an application to transfer conditions of stay.

Regulation 31 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.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£5.00

E3735 2/2009 193735T 19585