STATUTORY INSTRUMENTS

2004 No. 580

IMMIGRATION

The Immigration (Leave to Remain) (Fees) (Amendment) Regulations 2004

Made - - - -	*4th March 2004*
Laid before Parliament	*10th March 2004*
Coming into force - -	*1st April 2004*

The Secretary of State, in exercise of the powers conferred upon him by sections 5(1) and (3)(b) and 166(3) of the Immigration and Asylum Act 1999(**a**), having regard to the meaning of "prescribed" in section 167(1), with the approval of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Immigration (Leave to Remain) (Fees) (Amendment) Regulations 2004 and shall come into force on 1st April 2004.

2. The Immigration (Leave to Remain) (Fees) Regulations 2003(**b**) shall be amended as follows.

3. In regulation 3, after "regulations" insert "3A, ".

4. After regulation 3, insert—

"**3A.**—(1) Regulation 3 does not apply to an application for leave to remain in the United Kingdom:

(a) for work permit employment,

(b) as a highly skilled migrant,

(c) as a seasonal agricultural worker,

(d) for the purpose of employment under the Sectors-Based Scheme, or

(e) for Home Office approved training or work experience,

under the immigration rules.

(2) The fee to be paid in connection with an application referred to in paragraph (1) shall be £121.".

5. In regulation 5, delete paragraphs (b), (c) and (d), and insert—

"(b) the application is made in respect of a person seeking a variation of leave to enter or remain in the United Kingdom for a period of up to 6 months where the application is made to an immigration officer on arrival at a port of entry in the United Kingdom;

(**a**) 1999 c. 33.
(**b**) S.I. 2003/1711.

(c) the application is an application referred to in regulation 3A(1) above and is made in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) or the Council of Europe Revised Social Charter (signed in Strasbourg on 3rd May 1996);".

Home Office
3rd March 2004

Beverley Hughes
Minister of State

We approve

Nick Ainger
John Heppell

4th March 2004

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Leave to Remain) (Fees) Regulations 2003 ("the 2003 Regulations"). The 2003 Regulations prescribe the fee which is to be paid in connection with an application for leave to remain in the United Kingdom, an application for the variation of leave to enter or remain in the United Kingdom, or an application for an indefinite leave stamp to be fixed on a passport or travel document as the result of the renewal or replacement of a previous passport or travel document. The prescribed fee is £250 or £155 depending on how the application is made. The 2003 Regulations contain a number of exemptions from the requirement to pay the prescribed fee, in particular no fee is payable in respect of an application made in respect of a person seeking leave to remain as a highly skilled migrant or a seasonal agricultural worker, or a person seeking leave to remain for work permit employment.

Regulations 4 and 5 of these Regulations remove those particular exemptions and insert into the 2003 Regulations a new regulation 3A which prescribes a fee of £121 to be paid in connection with an application for leave to remain in the United Kingdom for work permit employment, as a highly skilled migrant or seasonal agricultural worker, for the purpose of employment under the Sectors-Based Scheme, or for Home Office approved training or work experience.

Regulation 5 of these Regulations also adds two further exemptions from the requirement to pay the prescribed fee.

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